

Washington, Saturday, January 15, 1955

# TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10586

DESIGNATING CERTAIN OFFICERS TO ACT AS SECRETARY OF THE TREASURY

By virtue of the authority vested in me by section 179 of the Revised Statutes (5 U. S. C. 6) and section 301 of title 3 of the United States Code, it is ordered as follows:

In case of the death, resignation, absence, or sickness of the Secretary of the Treasury and the Under Secretary of the Treasury, the following-designated officers of the Treasury Department shall, in the order of succession indicated, act as Secretary of the Treasury until a successor is appointed or until the absence or sickness of the incumbent shall cease:

- 1. Under Secretary for Monetary Affairs.
- 2. Assistant Secretaries, in the order fixed from time to time by the Secretary of the Treasury.

3. General Counsel.

Executive Order No. 8714 of March 18, 1941, entitled "Designating Certain Officers To Act as Secretary of the Treasury in Case of Absence or Sickness of the Secretary" is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE, January 13, 1955.

[F R. Doc. 55-408; Filed, Jan. 13, 1955; 3:52 p. m.]

#### **EXECUTIVE ORDER 10587**

Administration of Section 32 (h) of the Trading With the Enemy Act

By virtue of the authority vested in me by the Trading with the Enemy Act, as amended (50 U. S. C. App. 1 et seq.) and by section 301 of title 3 of the United States Code (65 Stat. 713) and as President of the United States, it is ordered as follows:

SECTION 1. The Jewish Restitution Successor Organization, a charitable membership organization incorporated under the laws of the State of New York,

is hereby designated as successor in interest to deceased persons in accordance with and for the purposes of subsection (h) of section 32 of the Trading with the Enemy Act, as added by Public Law 626, approved August 23, 1954 (68 Stat. 767)

SEC. 2. Exclusive of the function vested in the President by the first sentence of the said subsection (h) of section 32 of the Trading with the Enemy Act, the Attorney General shall carry out the functions provided for in that subsection, including the powers, duties, authority and discretion thereby vested in or conferred upon the President; and functions under the said subsection are hereby delegated to the Attorney General, and the Attorney General is hereby designated thereunder, accordingly.

SEC. 3. The Attorney General may delegate to any officer and agency of the Department of Justice such of his functions under this order as he may deem necessary

DWIGHT D. EISENHOWER

THE WHITE HOUSE, January 13, 1955.

[F R. Doc. 55-409; Filed, Jan. 13, 1955; 3:52 p. m.]

#### **EXECUTIVE ORDER 10588**

ESTABLISHING THE PRESIDENT'S COMMISSION ON VETERANS' PENSIONS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. Establishment and composition of Commission. There is hereby established a Commission which shall be known as the President's Commission on Veterans' Pensions, and which shall be composed of a Chairman and six other members, all of whom shall be designated by the President. The Chairman and members shall receive such compensation as the President shall hereafter fix.

SEC. 2. Functions of the Commission. The Commission is authorized and di-

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rected to make a comprehensive survey and appraisal of the structure, scope, and administration of the laws of the United States providing pension, compensation, and related nonmedical benefits to veterans and their dependents, and it shall make recommendations to the President regarding policies which, in its judgment, should guide the granting of such benefits in the future. Commission shall give particular atten-

(a) Changes in basic military social, fiscal, and economic factors in our society affecting the role of these benefits.

(b) The conditions under which benefits should be provided to different categories of veterans.

(c) The relationship of various veterans' benefits to each other, to benefits for persons still in the military service. and to the broader social security and other benefits which are provided to persons without regard to their status as veterans.

SEC. 3. Procedures of the Commission. In performing its functions under this order, the Commission may prescribe such rules of procedure, and may hold such public hearings and hear such witnesses as it may deem appropriate.

SEC. 4. Cooperation of Federal agen-All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work and to furnish the Commission such information and assistance, not inconsistent with law, as it may require in the performance of its functions.

Sec. 5. Staff There shall be an Executive Director of the Commission, who shall be appointed by the Chairman of the Commission after consultation with the other members of the Commission. and such appointment may be without regard to the civil-service laws. Within

the limits of such funds as may be made available, other persons may be employed by or under the authority of the Commission, and such employment may be without regard to the civil-service laws. The Executive Director and other persons employed by the Commission shall receive such compensation as the Commission shall hereafter fix. Subject to the direction of the Chairman of the Commission, the Executive Director shall direct the activities of all persons employed by the Commission, supervise the preparation of the report provided for under section 7 of this order, and perform such other duties as the Chairman of the Commission shall designate.

SEC. 6. Financing of the Commission. During the fiscal year ending June 30, 1955, the expenditures of the Commission shall be paid out of an allotment made by the President from the appropriation entitled "Emergency Fund for the President—National Defense" in Title I of the Independent Offices Appropriation Act, 1955 (Public Law 428, 83rd Congress, approved June 24, 1954) Such payments shall be made without regard to the following: section 3681 of the Revised Statutes of the United States (31 U. S. C. 672) section 9 of the act of March 4, 1909, 35 Stat. 1027 (31 U.S. C. 673) and such other laws as the President may hereafter specify.

SEC. 7. Report to the President. The Commission shall make a final written report, including findings and recommendations, to the President pursuant to section 2 hereof not later than November 1, 1955. The Commission may also make such earlier progress reports to the President as it may deem appropriate. The Commission shall cease to exist 30 days after making its final report to the President.

DWIGHT D. EISENHOWER

THE WHITE HOUSE, January 14, 1955.

[F. R. Doc. 55-440; Filed, Jan. 14, 1955; 12:16 p. m.]

# RULES AND REGULATIONS

#### TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[Administration Letter 373 (440)]

PART 381—PRODUCTION EMERGENCY AND PROPERTY DAMAGE LOANS

ELIGIBILITY AND CERTIFICATIONS; RATES
AND TERMS

1. The introductory paragraph of § 381.4, Title 6, Code of Federal Regulations (16 F R. 3967) is revised to limit the making of Production Emergency loans to eligible individuals (including partnerships or corporations) who are primarily engaged in farming or stock raising operations, to read as follows:

§ 381.4 Eligibility and certifications. Any farm owner, farm operator, or stockman (including a partnership or corporation) engaged primarily in farming or stock raising operations who has suffered substantial damage as a result of a production disaster is eligible to receive a Production Emergency loan, provided he is unable to obtain from commercial banks, cooperative lending agencies or other responsible sources the credit necessary for continuing his farming operations. An applicant is engaged "primarily" in farming or ranching when he devotes most of his time to the actual management and operation of his farm or ranch and is dependent on such operation for a livelihood. Exceptions will be made to the requirement that the applicant will primarily be engaged in farming or ranching only upon prior approval of the National Office in individual cases of loans for repair or replacement of buildings damaged or destroyed by hurricane, tornadoes, or floods or for other real estate improvements to be secured by real estate liens: or justifiable subsequent loans necessary to protect the Government's interests. Before a loan is made, the County Committee and loan approving official will determine from the facts in the case that the applicant has suffered production losses substantially greater than those which may be expected from normal fluctuations in yields or if in a storm damaged area, has suffered losses in property which will reduce substantially future production on the farm.

2. The introductory paragraph in § 381.6, Title 6, Code of Federal Regu-

lations (16 F R. 9279) is revised to change the interest rate on Production Emergency loans from 3 percent to 5 percent, and to read as follows:

§ 381.6 Rates and terms. On and after January 3, 1955, Production Emergency loans will bear interest from the date of the advance at the rate of 5 percent per annum on the unpaid principal balance. Such loans will be scheduled for repayment in accordance with the following policies:

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2 (a), (e) (f), 63 Stat. 44, as amended; 12 U. S. C. 1148a-2 (a), (e), (f))

Issued this 11th day of January 1955.

SEAL] H. C. SMITH,
Acting Administrator

Farmers Home Administration.

[F R. Doc. 55-388; Filed, Jan. 14, 1955; 8:50 a. m.]

# TITLE 26-INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes
[T. D. 6120]

PART 7-TAXATION PURSUANT TO TREATIES

EXCHANGE 'OF INFORMATION UNDER INCOME TAX CONVENTIONS

Paragraph 1. In order to provide for the filing of Form 1042 Supplement (relating to income paid to persons whose addresses are in any foreign country with which the United States has a tax treaty) with the District Director of Internal Revenue, Baltimore 2, Maryland, subparagraph (1) of § 7.1 (a) of Treasury Decision 6055 (26 CFR 7.1 (a) (1)) is amended to read as follows:

§ 7.1 Exchange of information—(a) Form 1042 Supplement. (1) Every United States withholding agent shall make and file an information return on Form 1042 Supplement with respect to each foreign country which has, or will have, entered into an income tax convention with the United States, if such convention provides for the mutual exchange of information and if the Commissioner of Internal Revenue determines that such return is required in the case of such country. For the calendar year 1953, this return shall be filed with

the district director of internal revenue for the district in which the withholding agent is located. For the calendar years, 1954 and subsequent calendar years, Form 1042 Supplement shall be filed with the District Director of Internal Revenue, Baltimore 2, Maryland.

PAR. 2. The amendment provided by paragraph 1 shall apply notwithstanding any regulation to the contrary which has been approved prior to the date on which this Treasury decision is published in the FEDERAL REGISTER.

Because this Treasury decision merely amends Treasury Decision 6055 to change the designation of the official with whom certain documents shall be filed, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(68A Stat. 917; 26 U.S. C. 7805)

[SEAL]

JUSTIN F WINKLE, Acting Commissioner of Internal Revenue.

Approved: January 11, 1955.

M. B. Folsom.

Acting Secretary of the Treasury.

[F R. Doc. 55-382; Filed, Jan. 14, 1955; 8:49 a. m.]

# TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGE-TABLES, PROCESSED PRODUCTS THEREOF AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED CARROTS 1

RECOMMENDED MINIMUM DRAINED WEIGHT

On June 23, 1954, a notice of proposed rule making was published in the Federal Register (19 F R. 3873) regarding

<sup>&</sup>lt;sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

a proposed amendment to United States Standards for Grades of Canned Car-

After considering all relevant matters presented, including the proposals in the aforesaid notice, the United States Standards for Grades of Canned Carrots (7 CFR 52.671 through 52.686) are hereby amended, as hereinafter set forth, under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 . 7 U. S. C. 1621 et seq.) The

amendment changes certain recommended minimum drained weights for listed container sizes or designations, and also provides minimum drained weight recommendations for whole and sliced carrots on the basis of the size of the individual unit.

The amendment is as follows:

Amend Table No. 1 of § 52.675 Recommended minimum drained weight to

TABLE NO. I-RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CARROTS

	Whole 4		Sliced 1				
Container size or designation	Less than 1½ inches in diameter	1½ inches in diameter and over	Less than 1½ inches in diameter	11/4 inches in diameter and over	Diced	Quar- tered cut	Julienne
8-ounce tall 8-ounce jar No. 1 picule No. 300 No. 303 jar No. 2	515 515 634 914 934 1215 1914 1914 69	5 5 612 9 914 924 1214 19 1834 68	5½ 5½ 6¾ 9½ 10 10 12½ 19 18¾ 69	5 5 6½ 9¼ 9½ 9½ 12 18½ 18½	5½ 5½ 7 10 10½ 10½ 12¾ 12¾ 19 18¾ 72	7 10 10½ 10½ 12½ 18½	634 834 9 9 111/2

<sup>1</sup> Mixed sizes to be based on drained weight for predominant size of individual units.

Effective time and supersedure. The amendment to the United States Standards for Grades of Canned Carrots contained in this section will become effective thirty days after publication of this amendment in the FEDERAL REGISTER and will thereupon supersede Table No. I that is currently in § 52.675 of the United States Standards for Grades of Canned Carrots. These standards have been in effect since March 30, 1953.

(Sec. 205, 60 Stat. 1090, 7 U. S. C. 1624)

Dated: January 11, 1955.

ROY W LENNARTSON. [SEAL] Deputy Administrator Marketing Services.

[F R. Doc. 55-369; Filed, Jan. 14, 1955; 8:47 a. m.]

#### Chapter IX-Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 43]

PART 914-NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALI-FORNIA

#### LIMITATION OF HANDLING

§ 914.343 Navel Orange Regulation 43—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914, 19 F R. 2941) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon

other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237. 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 13, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject

thereto which cannot be completed on or before the effective date hereof.

- (b) Order (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P s. t., January 16, 1955, and ending at 12:01 a.m., P s. t., January 23, 1955, is hereby fixed as follows:
  - (i) District 1. 369,600 boxes;

  - (ii) District 2: 138,600 boxes; (iii) District 3: Unlimited movement; (iv) District 4. Unlimited movement.
- (2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.
- (3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7, U. S. C.

Dated. January 14, 1955.

S. R. SMITH, [SEAL] Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F R. Doc. 55-436; Filed, Jan. 14, 1955; 11.17 a. m.]

[Lemon Reg. 572]

PART 953-LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### LIMITATIONS OF SHIPMENTS

§ 953.679 Lemon Regulation 572—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F R. 7175) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for prepara-

tion for such effective time; and good cause exists for making the provisions hereof effective as heremafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 12, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) Order (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period-beginning at 12:01 a. m., P s. t., January 16, 1955, and ending at 12:01 a.m., P s. t., January 23, 1955, is hereby fixed as follows:

District 1. 35 carloads;

(ii) District 2: 215 carloads;

(iii) District 3: Unlimited movement.
(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C.

Dated: January 13, 1955.

S. R. SMITH, [SEAL] Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-421; Filed, Jan. 14, 1955; 8:55 a. m.]

# TITLE 5—ADMINISTRATIVE **PERSONNEL**

# Chapter I—Civil Service Commission

PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the Feb-ERAL REGISTER, paragraph (p) (1) is added to § 6.102, paragraph (b) (11) of § 6.302 is revoked, the headnote of paragraph (i) of § 6.302 is amended, and paragraph (i) (6) is amended as set out below.

§ 6.102 Department of State. \* \* \* (p) Bureau of International Organization Affairs. (1) One Special Assistant to the Assistant Secretary.

.

§ 6.302 Department of State. \* \* \* (i) Bureau of International Organization Affairs.

(6) One Planning Advisor.

[SEAL]

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. O. 631, 633; E. O. 10440, 18 F. R. 1823, 8 CFR, 1953 Supp.)

UNITED STATES CIVIL SERV-ICE COMMISSION,

WM. C. HULL, Executive Assistant.

[F R. Doc. 55-385; Filed, Jan. 14, 1955; 8:49 a. m.]

> PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL CAPITAL HOUSING AUTHORITY AND SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FED-ERAL REGISTER, § 6.212 (a) and paragraphs (k) and (m) of § 6.364 are revoked, and paragraph (a) of § 6.131 is amended as set out below.

§ 6.131 National Capital Housing Authority. (a) Executive Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR, 1953 Supp.)

> United States Civil Serv-ICE COMMISSION,

WM. C. HULL, [SEAL] Executive Assistant.

[F R. Doc. 55-376; Filed, Jan. 14, 1955; 8:47 a. m.]

#### PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

### DEPARTMENT OF DEFENSE

Effective upon publication in the Fed-ERAL REGISTER, paragraph (e) (2) is added to § 6.304 as set out below.

§ 6.304 Department of Defense. \* \* \* (e) Saint Lawrence Seaway Develop-ment Corporation. \* \* \*

(2) One Special Assistant to the Administrator

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERV-ICE COMMISSION,

WM. C. HULL, [SEAL] Executive Assistant.

[F · R. Doc. 55-384; Filed, Jan. 14, 1955; 8:49 a. m.]

PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### DEPARTMENT OF COMMERCE

Effective upon publication in the Feb-ERAL REGISTER, paragraph (a) (25) is added to § 6.312 as set out below.

§ 6.312 Department of Commerce-(a) Office of the Secretary.

(25) Director, Advisory Committee on Export Policy Staff, Office of the Assistant Secretary of Commerce for International Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR, 1953 Supp.)

> United States Civil Serv-ICE COMMISSION,

[SEAL] WM. C. HULL, Executive Assistant.

[F R. Doc. 55-375; Filed, Jan. 14, 1955; 8:47 a. m.)

#### TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### Subchapter F--Personnel

PART 570-ARMY NURSES, DIETITIANS AND PHYSICAL THERAPY AIDES

WOMEN'S MEDICAL SPECIALIST CORPS

Sections 570.21 through 570.26 are rescinded and the following substituted therefor

Sec

570.21 Establishment.

570.22 Mission.

Composition. 570.23

570.24 Appointments.

AUTHORITY: §§ 570.21 to 570.24 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 102, 61 Stat. 42, as amended; 10 U. S. C. 166a, 166b.

Source: AR 40-7, 15 December 1954.

§ 570.21 Establishment. The Army-Navy Nurses Act of 1947 (61 Stat. 41) as amended (10 U. S. C. 166) established the Women's Medical Specialist Corps.

§ 570.22 Mission. The mission of the Women's Medical Specialist Corps is to provide dietetic service and physical and occupational therapy essential to the accomplishment of the mission of the Army Medical Service.

§ 570.23 Composition. The Women's Medical Specialist Corps consists of a Dietitian Section, a Physical Therapist Section, and an Occupational Therapist Section and is composed of female commissioned officers in such numbers as are from time to time authorized by the Secretary of the Army.

§ 570.24 Appointments. See §§ 573.1 to 573.7 of this subchapter, and § 561.18 of Subchapter E of this chapter.

JOHN A. KLEIN, SEAL Major General, U S. Army, The Adjutant General.

[F R. Doc. 55-377; Filed, Jan. 14, 1955; 8:48 a. m.]

# TITLE 43—PUBLIC LANDS: **INTERIOR**

# Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1899]

PART 257-SALE OR LEASE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR RESIDENCE, RECREATION, BUSINESS, OR COMMUNITY SITES

Part 257 is completely revised as follows effective 60 days after date of approval hereof by the Secretary of the Interior:

Statutory authority; lands which 257.1 may be leased or sold.

Policy. 257.2

257.3 Classification of land.

Qualifications of applicants; restric-257.4 tions.

Priority rights of applicants; veter-257.5 ans' priority.

Applications; general procedure. 257.6 Veterans' drawing procedure. 257.7

257.8 Filing fee.

257.9

Advance payment.

Community sites; appraisal; restric-257.10

257.11 Lease provisions; terms and rentals. 257.12 Assignment of lease.

257.13 Leases with option to purchase; sale;

patent.

257.14 Public auctions. Renewal of lease. 257.15

257.16 Minerals; timber.

Acreage limitation; rights-of-way. 257.17 Applications following lease termina-257.18 tions, unsuccessful public auctions. Termination or cancellation; re-257.19

moval of improvements.

257.20 Appeals.

AUTHORITY: §§ 257.1 to 257.20 issued under 52 Stat. 609, as amended; 43 U.S. C. 682a.

Statutory authority lands which may be sold or leased. (a) The act of June 1, 1938 (52 Stat. 609) as amended by the act of June 8, 1954 (68 Stat. 239; 43 U. S. C. 682a) authorizes the Secretary of the Interior, in his discretion, to sell or lease a tract, not exceeding five acres, of any vacant, unreserved public lands, including such lands ın Alaska, public lands withdrawn by Executive Orders Numbered 6910 of November 26, 1934, and 6964 of February 5, 1935, or public lands withdrawn or reserved by the Secretary of the Interior for any purposes, which the Secretary may classify as chiefly valuable for residence, recreation, business, or community sites. The act is applicable to lands in such areas as grazing districts and lands withdrawn for reclamation or stock driveway purposes. The act does not apply to lands withdrawn by the Secretary solely under delegated authority (e. g. under Executive Order 10355 of May 25, 1952) or to reservations such as national forests, national parks, or national monuments. Authority to lease lands under the act for residence, recreation and community site purposes extends to the revested Oregon and Califorma Railroad and reconveyed Coos Bay Wagon Road grants lands in Oregon under the jurisdiction of the Department of the Interior provided that such leases will not interfere with sustained yield timber management on these lands. The lands may not be leased or sold until classified for small tract purposes; and may not be occupied until the lands are leased or sold.

§ 257.2 Policy. (a) It is the policy of the Secretary in the administration of the act of June 1, 1938, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end small tract sites will be considered in the light of their effect upon the conservation of natural resources and upon the communities or area involved. Lands will not be leased or sold, for example, which would lead to private ownership or con-

trol of scenic attractions, or water resources, or other areas that should be kept open to public use. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon State or local governments for roads, schools, and police, health, and fire protection. Undesirable types of construction for settlement or business along public highways and parkways will be guarded against, and lands will not be leased or sold under the act if such action would unreasonably interfere with the use of water for grazing purposes or unduly impair the protection of watershed areas.

(b) Under this act lands may be classified for direct sale, for lease and sale, or for lease only. Revested Oregon and California Railroad lands and reconveyed Coos Bay Wagon Road grant lands in Oregon will be classified for lease only Lands in Alabama, Arkansas, Florida, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, and Wisconsin may be classified for direct sale without lease in accordance with § 257.14. Lands in other States and in Alaska may be classified for direct sale at not less than the appraised price where counties or local communities have adequate authority to establish building, sanitation, and health requirements for the protection of adjacent property and the community as a whole or where the provisions of § 257.18 are applicable. Lands may be classified for lease and sale, as provided in § 257.13, where such adequate authority does not exist or where otherwise desirable. Lands will be classified for lease only where disposal would not be in the public interest. Lands suitable for community site purposes will be classified for lease or direct sale at appraised prices and will be subject to application only by nonprofit corporations or associations, States, Territories, municipalities, or other governmental subdivisions.

§ 257.3 Classification of land. (a) No lease will be issued or sale authorized prior to classification of land for such purpose. If the tract is found not suitable for such purpose, the application will be rejected.

(b) Lands classified under the act of June 1, 1938, as amended, will be segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or in any modification or revision thereof.

§ 257.4 Qualification of applicants; restrictions. (a) An application may be made by any of the following:

(1) An individual who is a citizen of the United States or who has filed declaration of intention to become a citizen.

(2) A partnership or an association. each of the members of which is a citizen of the United States or has filed declaration of intention to become a citizen.

(3) A corporation, including nonprofit corporations organized under the laws of the United States or of any State or Territory thereof and authorized to do business in the State or Territory in which the land is located.

(4) A State, Territory municipality or other governmental subdivision.

(b) Any employee of the Department of the Interior, stationed in Alaska may purchase or lease one tract in Alaska for residence or recreation purposes. The conveyance of the tract will provide for reversion to the United States if the land is used for purposes other than residence or recreation within twenty-five years. (c) Generally no person will be permitted to obtain by lease or purchase more than one tract under the act. Where more than one tract is needed, however, each tract must be the subject of a separate application, complete in itself, and must be accompanied by a satisfactory showing that the allowance of more than one application is warranted by the circumstances. In each application the applicant must identify all other applications under the act, if any filed by him or any member of his family residing with him.

§ 257.5 Priority rights of applicants; veterans' priority. There are two types of priority rights: One is for any small tract applicant who files prior to official recording of plans for classification of an area, the other is for persons entitled to veterans preference after the land has been classified for small tracts. Each is limited to the circumstances indicated in paragraphs (a) (b) (c) of this section.

(a) An application filed prior to the receipt by the land office of notice that the area is under consideration for small tract classification, will be given a priority only if (1) the land is thereafter classified for the type of site applied for: (2) the applicant agrees to conform his application to the area, classification, and dimensions of the tract as specified in the classification order and (3) where the land is classified for direct sale, the applicant tenders the fair market value of the land when required.

(b) Except as limited by paragraph (a) of this section, when land is classified for lease and sale or for lease only persons entitled to veterans preference will have a priority right for a period of not less than 90 days over the general public as specified in the classification order.

(c) Except as limited by paragraph (a) of this section, when land is classified for direct sale at public auction at not less than the appraised price, persons entitled to veterans preference will be granted the priority rights specified in § 257.14 (e)

§ 257.6 Application, general procedure. (a) An application on Form 4-776 must be filed in conformity with instructions therein, except for lands already classified for direct sale at pub-

<sup>1</sup> Regulations relating to veterans' preference are contained in 43 CFR Part 181. Those entitled to such preference under the Small Tract Act, in brief, include honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940; the surviving spouse or minor orphan children of such veterans; and, with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or to the surviving spouse or minor orphan children of veterans killed in the line of duty.

lic auction. Copies of the form may be obtained from the land offices. State Supervisors' offices or the Bureau of Land Management, Washington 25, D. C., and must be completed and filed in duplicate in the proper land office, or for land in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D. C., except that applications for lands in North or South Dakota, must be filed in the land office at Billings, Montana, for lands in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands in Oklahoma in the land office at Sante Fe, New Mexico.2 The duplicate forms must be signed by the applicant. In the event that the lands are classified for lease, or for lease and sale, the applicant's signature will constitute his signature to the lease, when the application is accepted and executed by the proper officer on behalf of the United States.

(b) If the land has not been classified the applicant should describe the desired tract, not to exceed five acres, by aliquot parts of a legal subdivision if surveyed and if unsurveyed by metes and bounds sufficient to permit ready and accurate identification. Where the land has been classified the applicant should describe the selected land in accordance with the classification order or official plat of survey. The applicant may also indicate that if the selected tract is not available he is willing to accept any other available tract described in the classification order which may be allocated to him.

(c) Any person desiring to purchase a tract already classified for sale at public auction under the act may submit a bid in accordance with the provisions of the classification order and \$257.14. No application on Form 4-776 should be filed in the above circumstances.

§ 257.7 Veterans' drawing procedure.

(a) Whenever a great number of filings in excess of the number of tracts available is anticipated for lands subject to veterans' priority and classified for lease and sale or for lease, a special veterans' drawing will be held. The classification order will give all relevant information concerning the drawing and will state that "Veterans' Drawing Entry Cards," Form 4-775, must be filed in lieu of application Form 4-776.

(b) Any person who has the necessary qualifications, including veterans' priority rights, may obtain the official drawing entry card Form 4-775 upon request to the land office manager or Director, Bureau of Land Management. The request should designate the classification order by number. Entry cards will automatically be sent to any persons who filed applications on Form 4-776 prior to the classification order requiring the veterans' drawing. The applicant must comply with all instructions stated on the entry card and return it within the filing period specified in the classification order in order to qualify for the

drawing. If any entrant files more than one entry card under any classification order, the entrant shall be ineligible to participate in the drawing.

(c) Each successful entrant in a drawing will be furnished in duplicate Form 4-776, bearing the description of the tract allocated to him. The forms must be completely filled out, signed and returned, accompanied by the proper rental and filing fees within the time allowed. Where an entrant for any reason fails to comply with the requirements within the time allowed, the lot will become available to the alternate next in line in the drawing.

§ 257.8 Filing fee. Every application on Form 4-776 must be accompanied by a filing fee of \$10.00. No fee is required for the filing of a "Veterans' Drawing Entry Card," Form 4-775, or "Special Drawing Entry Card," Form 4-775b, but the fee is required of entrants who are successful in the drawing. No fee is required in connection with a bid in a sale at public auction. A fee of \$10.00 is required with each application to purchase, based upon an outstanding lease and with each application for renewal or assignment of an outstanding lease. All filing fees will be retained by the Government.

§ 257.9 Advance payment. In addition to filing fees, every application on Form 4-776 except applications for community sites, and every bid for lands subject to sale at public auction, must be accompanied by an advance payment, which will be applied against the rental or purchase price of the land:

(a) If the land has been classified for lease or for lease and sale, the advance payment is the rental for the entire lease period, as specified in the classification order, if such period does not exceed five years. Where lands are classified for lease for periods in excess of five years, the advance payment will be as specified in the classification order. If the land has not been classified, the advance payment is \$15 for nonbusiness, and \$100 for business-site applications. Successful applicants will be required to pay any difference between advance payment and rental or purchase price before their applications will be granted.

(b) If the land has been classified for sale at public auction, the advance payment is whatever amount the applicant bids, but not less than the appraised price stated in the classification order.

(c) Advance payments will be refunded to unsuccessful applicants or bidders.

§ 257.10 Community sites; appraisal; restrictions. (a) Land suitable for community site purposes may be classified for direct sale, for lease and sale or for lease only in conformance with the provisions of § 257.2. Appraisals for sale or rental value may take into consideration the use which is to be made of the land where the public use contemplated justifies such action.

(b) Where lands are sold at less than fair market value in accordance with § 257.10 (a) the patent will contain a provision for reversion of title to the

United States if the lands are used for any purpose not consistent with the classification order within a period of twenty-five years after issuance of patent unless consent to change the use is first obtained from the proper official of the Bureau of Land Management.

§ 257.11 Lease provisions; terms and rentals. (a) The term of lease will be specified in the classification order and will not exceed three years for lands classified for lease and sale and will not exceed twenty years for lands classified for lease only

(b) The amount of rental will be specified in the classification order. Rental on lands classified other than for business sites will equal the fair market rental of the lands, provided, however, the minimum rental will be \$5 per tract per year. The rental for community sites will take into consideration the purpose for which the land will be used. Rental on lands classified for business sites will be based on percentages of the gross income as specified on Form 4-776, provided, however, the minimum rental will be \$20 per tract per year.

(c) Leases issued for periods in excess of five years will provide for the construction of improvements, satisfactory for the purpose for which the lease issued, during the first five years of the lease period. Failure to comply with this requirement will result in cancellation of the lease except where the lessee can demonstrate that such failure was due to unavoidable and unforeseen circumstances.

(d) Provisions relating to the improvement and occupancy of leased tracts are contained on Form 4-776. Special provisions implementing the general provisions on the form may be indicated in the order of classification.

§ 257.12 Assignment of lease; subleasing. (a) No assignment of a lease will be recognized unless and until approved by the Bureau of Land Management. Approval of assignments will be discretionary but in no case will an assignment be approved until suitable improvements are constructed on the land or compliance is had with § 257.13 (d) (1) except where the lessee can demonstrate that his failure to construct such improvements was caused by unforeseen and unavoidable circumstances.

(b) Proposed assignments of leases must be submitted within 90 days from the date of execution in duplicate on Form 4-1217 to the appropriate office mentioned in § 257.6 and must be accompanied by the filing fee as required in § 257.8.

(c) Subleasing of a tract, in whole or in part, will not be approved.

§ 257.13 Leases with option to purchase; sale; patent. (a) Leases for lands classified for lease and sale will contain an option to purchase clause. The option to purchase clause will afford the lessee or his duly approved successor in interest an opportunity to purchase the tract at any time within the term of the lease, provided the improvements, required by the lease have been made and all other terms and conditions of the lease complied with. The net purchase

<sup>&</sup>lt;sup>2</sup> Lists indicating the proper office for filing of applications can be obtained from the Director or any other office of the Bureau of Land Management.

price of the land will be the appraised value of the unimproved land as of the date of the lease minus an amount equal to the advance rental for each full lease year, if any subsequent to the filing of the application to purchase.

(b) An application to purchase must be filed with the office mentioned in § 257.6 (a) on Form 4-775a in duplicate, together with (1) a statement as to the cost, type and character of the improvements constructed on the land, (2) one or more photographs showing clearly such improvements, and (3) the filing fee as required in § 257.8.

(c) If a sale is authorized, the applicant will be allowed 60 days from service of notice thereof to pay the net purchase price.

(d) (1) Groups of lessees of small tracts in an area may enter into binding agreements among themselves to observe, in the development of their leased tracts, standards of building, sanitation, and health requirements consistent with the terms of their leases. Lessees who participate in this agreement may exercise, at the discretion of the Bureau of Land Management, their option to purchase without prior compliance with the improvement requirements of their leases

(2) Two copies of the agreement must be filed with the appropriate office mentioned in § 257.6 (a) In addition, each lessee participating in the agreement who desires to take advantage of this provision must file in duplicate an application to purchase on Form 4-775a, together with the filing fee as required in § 257.8 and a reference to the aforementioned agreement.

(3) If sale is authorized, the applicant will be allowed 60 days from service thereof to pay the net purchase price as computed in paragraph (a) of this section.

§ 257.14 Public auctions. (a) Whenever lands are classified for direct sale by public auction, they will be sold at not less than their appraised value at the time and place and in the manner specified by the classification order.

(b) Bids may be made by the principal or his agent, either personally at the sale or by mail.

(c) A bid sent by mail must be received at the place and within the time specified in the classification order. Each such bid must clearly state (1) the name and address of the bidder (2) the specific tract, as described in the classification order, for which the bid is made; and (3) whether the bidder is a person entitled to veterans' preference. "The envelope must be noted as required by the classification order.

(d) Each bid by mail must be accompanied by certified or cashier's check, post office money order or bank draft for the amount of the bid. Bids by mail for more than one tract offered at a sale must be enclosed in separate envelopes but payment need accompany only the highest bid provided all other bids designate the envelope containing the payment.

(e) The person who submits the highest bid for each tract at the close of

bidding, but not less than the minimum price, will be declared high bidder. However, when bids are received from persons claiming veterans' preference and from bidders not claiming such rights, the highest bidder among the veterans' priority bidders will be declared high bidder. If the high bidder meets the general requirements of a small tract applicant, he will be declared purchaser. Any person who is declared high bidder will automatically be disqualified from consideration for other tracts for which he may have submitted bids.

(f) If there are no successful purchasers of any tracts offered at the sale, the tracts will be closed to filing of applications until an order is issued specifying the time and manner in which they shall be made available in accordance with § 257.18.

§ 257.15 Renewal of lease. (a) An application for renewal of a lease must be filed on Form 4-775a in duplicate with the office mentioned in § 257.6 (a) prior to the expiration of the lease. A renewal in the form of a new lease will be granted only if it is determined that a new lease should issue and that the requirements of paragraph (b) or (c) of this section have been met. The term of the lease and any special conditions will be established by the officer who signs it. The application must be accompanied by a filing fee in compliance with § 257.8.

(b) Where the land has been classified for lease only renewals will be approved only if the lessee has constructed satisfactory improvements on the tract appropriate to the type of use for which the lease originally issued, such as a substantial and presentable dwelling suitable for year-round or seasonal use where the land was classified for residence purposes.

(c) Where the land has been classified for lease and sale, renewals will be approved only upon a satisfactory showing that the lessee's failure to meet the requirements for sale of the tract is justified under the circumstances and that nonrenewal of the lease would work an extreme hardship on the lessee.

§ 257.16 Minerals; timber (a) Any lease or patent issued under the act will reserve to the United States all deposits of coal, oil, gas, or other minerals, together with the right to prospect for. mine, and remove the same under such regulations as the Secretary may prescribe. Any minerals subject to the leasing laws in the lands patented or leased under the terms of the act may be disposed of to any qualified person under applicable laws and regulations in force at the time of such disposal. Until rules and regulations have been issued, the other kinds of minerals that may be found in such lands are not subject to prospecting or disposition.

(b) (1) Because of the need for strategic and fissionable source minerals as well as minerals important to the economic and industrial welfare of the Nation and its security, the Director may authorize any Federal agency to enter upon any of the lands classified for small tract purposes within the State of Flor-

ida (and such other States or Territory for which approval of this action may be given by the Secretary of the Interior) for exploratory purposes to determine whether such lands are mineral in character and the nature, extent, and incidence of such mineral, if any even though such lands are under lease or have been patented in accordance with paragraph (a) of this section.

(2) The exploratory work conducted under the authority hereof, shall not be construed as permitting damage to the permanent structures or buildings of the small tract lessees or patentees or their lawful successors in interest.

(c) A lessee will not be permitted to cut timber from the leased lands without first obtaining permission from the appropriate office mentioned in § 257.6

§ 257.17 Acreage limitation, rights-of-way. (a) No tract shall be larger than five acres except where subdivision of a fractional lot to meet this limitation would leave areas unsuitable for practical use. In such cases, the lots will be subdivided to produce usable units not in excess of 7½ acres.

(b) The classification order may provide for rights-of-way over each tract for street and road purposes and for public utilities. If the classification order does not so provide, the right-of-way will be 50 feet along the boundaries of the tract.

§ 257.18 Application, following lease terminations, unsuccessful public auctions. (a) In any of the following circumstances, a tract shall not be subject to further application until an order is issued specifying the time and manner in which the tract shall be made available for lease or purchase: (1) When a small tract lease has terminated, been relinquished or canceled for any reason; (2) where no one has been declared purchaser for a tract offered at public auction.

(b) The order will be posted in the land office at least 15 days prior to its effective date and will be given wide publicity through appropriate news media in the area.

(c) The order will specify which one of the following methods will be used for disposing of the land: (1) Sale at public auction to the highest bidder in accordance with § 257.14, subject to the veterans' priority provisions of § 257.14 (e) (2) a special drawing procedure indicated in paragraph (d) of this section.

(d) Any order calling for a special drawing procedure will specify (1) the time and place for filing drawing cards, and (2) that Special Drawing Card Form 4-775b must be properly executed. The drawing will determine priority and establish an adequate list of eligibles. Drawings may be held for several tracts, and at whatever intervals of time the authorized official feels warranted by the circumstances.

§ 257.19 Termination or cancellation, removal of improvements. (a) The lessee may terminate the lease, if he is not in default thereunder, by filing a notice of relinquishment of the lease in the proper land office. Any lease may

be canceled where the lessee has failed to comply with any of the terms, covenants, and stipulations of the lease, or to abide by any of the regulations in this part, and such default has continued for 30 days after written notice thereof.

(b) No refund will be made of rental for the unexpired term of a lease relinquished by the lessee or canceled for cause.

(c) Upon the termination, cancellation, or expiration of a lease, the lessee

will have a period of 90 days within which to remove his improvements from the land or to make other disposition thereof. If the improvements are disposed of to a person other than a subsequent lessee they must be removed from the land within the 90-day period, otherwise the improvements will become the property of the United States.

§ 257.20 Appeals. An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the

decision of any officer of the Bureau of Land Management.

Note: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

> CLARENCE A. DAVIS, Acting Secretary of the Interior

JANUARY 10, 1955.

[F R. Doc. 55-362; Filed, Jan. 14, 1955; 8:45 a. m.]

# PROPOSED RULE MAKING

#### DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [ 7 CFR Part 943 ]

[Docket No. AO 231-A6]

AREA

AMENDED NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given that upon further consideration it has been determined that additional time is required by interested parties to prepare for the presentation of evidence on proposals numbered 1, 2 and 3 contained in the notice of hearing, issued December 7, 1954 (19 F R. 8482) with respect to proposed amendments to the tentative marketing agreement as approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Said proposals related to the extension of the marketing area to include the following counties:

Navarro, Henderson, Van Zandt, Gregg, Upshur, Smith, Cherokee, Rusk, Morris, Titus and Red River, all in the State of Texas and Choctaw and McCurtain in the State of Oklahoma.

It is anticipated that a period of 60 to 90 days will be sufficient for interested parties to make the necessary preparation. The date and the place for the hearing on such proposals will be announced later.

Accordingly the said notice of hearing issued on December 7, 1954 is hereby amended by deleting therefrom proposals numbered 1, 2 and 3.

Copies of this amended notice of hearing and the order now in effect may be procured from the market administrator. 6619 Denton Drive, Dallas, Texas, or from the Hearing Clerk, U.S. Department of Agriculture, Room 1371, South Building. Washington 25, D. C., or may be there

Dated: January 13, 1955.

[SEAL] ROY W LENNARTSON, Deputy Administrator

[F R. Doc. 55-422; Filed, Jan. 14, 1955;

10:03 a. m.]

#### CIVIL AERONAUTICS BOARD

I 14 CFR Parts 1 3, 4b, 5, 6, 13, 14, 18, 40, 41, 42, 43 1

[Draft Release No. 54-28]

MILK IN THE NORTH TEXAS MARKETING 1954 ANNUAL REVIEW AND AMENDMENTS OF THE AIRWORTHINESS REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to the airworthiness provisions of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by February 10, 1955. Copies of such communications will be available after February 12, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The proposed amendments to the airworthiness regulations attached hereto stem from the studies conducted during the Board's 1954 Annual Airworthiness Review and particularly from the discussions which took place at the meetings held in Washington September 13 through September 15. Those issues which are sufficiently resolved are being published herein in the form of proposed amendments to the regulations. There are also a few amendments which have not been previously considered, but which are of a relatively minor nature and are not expected to be controversial; therefore, their inclusion in this notice of proposed rule making appears to be justified.

The amendments being proposed herein pertain to the following parts of the Civil Air Regulations: 1, 3, 4b, 5, 6, 13, 14, 18, 40, 41, 42, and 43, and to Special Civil Air Regulation No. SR-401. The explanatory statements accompanying the proposed amendments present the basis for the amendments and also the reasons why certain other proposals are not considered sufficiently resolved to justify specific recommendations for

amendment of the regulations at the present time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

Dated. December 30, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, Director

Proposed rules-Part 1. There are being proposed a number of changes which were resolved prior to the recent airworthiness meetings. The most substantive of these is the change which would require a final operational check by the manufacturer on engines and variable pitch propellers manufactured under a type certificate. This change is intended to assure the proper operation of such products by requiring that the statement of conformity indicate that such products have received a final operational check. (See proposed amendment to § 1.19 (a).)

Other changes proposed are intended to clarify or make explicit certain provisions of the existing regulations which have caused concern administratively These entail defining the privileges of the holder of a type certificate (see proposed amendment to § 1.18) and the privileges and the responsibility of the holder of a production certificate (see proposed amendment to §§ 1.35 and 1.46) and making clear that special flight authorizations may be issued for conducting production flight tests (see proposed amendment to § 1.75) It is not anticipated that these changes will affect existing procedures.

In addition, there is being proposed a change which establishes rules for the issuance of a supplemental type certificate to other than the type certificate holder for products incorporating major changes which are not so extensive as to require an application for a new type certificate. The proposed change is intended primarily for achieving conformance in the regulations with those provisions of the Civil Aeronautics Act governing the issuance of airworthiness certificates and for permitting the issuance of production certificates to other than the holder of the type certificate for accomplishing major changes as described previously. (See proposed amendment to § 1.25.)

No. 11---2

There is also included a new proposed requirement which pertains to quality control of replacement and modification parts. This proposed change is intended to assure the airworthiness of parts manufactured for sale by other than the type certificate holder for installation on type certificated products. It is not intended to be applicable to parts manufactured by owners or operators for the purpose of maintaining or altering their own product or fleet or to standard parts conforming with established industry or government specifications (see proposed amendment for § 1.55)

- It is proposed to amend Part 1 as follows:
- 1. By amending § 1.18 to read as follows:
- § 1.18 Privileges. The holder of a type certificate or licensee may obtain a production certificate (see §§ 1.30 through 1.46) for any product for which a type certificate has been issued, and in the case of aircraft, may obtain airworthiness certificates (see applicable §§ 1.60 through 1.72) or in the case of engines, propellers, or other products, obtain approval for installation on certificated aircraft.
- 2. By amending § 1.19 (a) by inserting after the second sentence the following new sentence: "For aircraft engines, and for variable pitch propellers manufactured under a type certificate only there shall be included a statement that the engine or propeller referred to has been tested by the manufacturer as a final operational check."
- 3. By adding a new center heading and a new § 1.25 to read as follows:

#### SUPPLEMENTAL TYPE CERTIFICATES

§ 1.25 Supplemental type certificates. When a person, other than the holder of the type certificate for a product, alters the product by introducing a major change (see § 1.21) in a previously approved type design, and the change is not so extensive as to require application for a new type certificate (see §§ 3.11 (e) 4b.11 (e) 5.11 (e) 6.11 (e) 13.11 (e) 14.11 (e) of this chapter) such person may apply for the issuance of a supplemental type certificate. The following provisions shall be applicable.

(a) Application. Application for a supplemental type certificate shall be made upon a form and in a manner pre-

scribed by the Administrator.

(b) Compliance with applicable requirements. The applicant shall demonstrate that the altered product meets the airworthiness requirements which are applicable to the product involved (see §§ 3.11 (d) 4b.11 (d) 5.11 (d) 6.11 (d) 13.11 (d) and 14.11 (d) of this chapter)

(c) Issuance. Upon receipt of application and satisfactory demonstration of compliance with the applicable requirements in accordance with paragraphs (a) and (b) of this section, the Administrator shall indicate approval of the change in type design. Such approval together with the previously issued type certificate for the product shall constitute a supplemental type certificate.

- (d) *Privileges*. A supplemental type certificate shall entitle the same privileges to the holder as a type certificate (see § 1.18)
- 4. By amending § 1.35 to read as follows:
- § 1.35 Privileges. It shall not be necessary for the holder of a production certificate to furnish a statement of conformity for each of the products produced under the terms of the production certificate. The holder of the production certificate may obtain an airworthness certificate in the case of aircraft (see § 1.67 (a)) and, in the case of engines, propellers, or other products, obtain approval for installation on certificated aircraft.
- 5. By adding a new § 1.46 to read as follows:
- § 1.46 Responsibility of holder The holder of a production certificate shall maintain the quality control system in conformity with the data and procedures approved for the production certificate. He also shall determine that each completed product submitted for airworthiness certification or approval is in conformity with the type design and is in condition for safe operation.
- 6. By adding a center heading and a new § 1.55 to read as follows:

#### REPLACEMENT AND MODIFICATION PARTS

§ 1.55 Applicable rules. Any person other than the holder of the type certificate producing replacement or modification parts for sale for installation on a type certificated product shall comply with §§ 1.12 (a) and (b) 1.13, 1.15 (a) and (d) 1.20, and 1.50.

Note: The provisions of this section are not applicable to parts produced under the terms of a type and/or production certificate, to parts produced by owners or operators for maintaining or altering their own product or fleet, or to standard parts conforming to established industry or government specifications.

- 7. By amending  $\S 1.75$  to read as follows:
- § 1.75 Special flight permits. A special flight permit may be issued for an aircraft which may not currently meet applicable airworthiness requirements, but which is capable of safe flight, for the purpose of permitting the aircraft to be flown to a base where repairs or alterations are to be made, or to permit the delivery or export of the aircraft, or to permit production flight tests of new production aircraft.

Proposed rules—Part 3. A number of miscellaneous changes are being proposed, which were considered noncontroversial and therefore were not discussed at the annual meeting. A change is proposed to the provisions applicable to the horizontal tail gust loads for the purpose of consistency with the airplane gust load criteria. The change specifies consideration of tail gust loads at speed  $V_d$  in addition to those specified at  $V_f$  and  $V_o$  and is intended to cover all possible critical conditions consistent with the airplane gust load conditions. (See proposed amendment to § 3.217.) Another

important change to the structures provisions entails deletion of the assumption that the airplane is not a rigid body in determining the ground loads. This change is being made to assure conservatism in the determination of loads when the mass distribution is irregularly distributed. (See proposed amendment to § 3.241.)

Another change being proposed involves the provisions which require continued normal operation of trimming controls in the event of any failure in the primary flight control system. It has been represented that the presently effective requirements impose unnecessary penalties on small airplanes and that from the viewpoint of safety this criterion should apply only to the longitudinal trim control for single-engine airplanes and to the longitudinal and directional trim controls for multiengine airplanes. The proposed change relaxes the existing provisions accordingly. (See proposed amendment to § 3.337.)

A change is also being proposed to require application to large items of mass, such as overhead engines, the same ultimate load factors to which occupants are assumed to be subjected in minor crash landings (see proposed amendment to § 3.386) It is also proposed to eliminate the requirement for minimum fuel capacity which requires one gallon fuel capacity for each seven maximum continuous horsepower for which the airplane is certificated. It is considered that this requirement is unjustified for airplanes designed for certain local operations where small fuel capacities suffice. (See proposed amendments to §§ 3.74 (c) and 3.440.)

It is also being proposed to eliminate the provisions which permit the use of a fuel-oil volume ratio of 30:1, in lieu of a rational analysis in the determination of usable oil capacity. It has been suggested that this ratio is no longer applicable to modern engines and should be increased to 40:1. Since any ratio is subject to change with improved or new designs of engines, it is proposed to delete any reference to a fixed ratio but to keep the objective portion of the rule which involves a rational analysis. (See proposed amendment to § 3.561.)

A substantive change being proposed would require the automatic pilot system to be such as not to produce dangerous loads or flight path deviations when pilot corrective action is taken within a reasonable period of time. This change also would permit the use of a quick disengaging device in demonstrating recovery from simulated malfunctions. (See proposed amendments to § 3.667 (a) and (d).)

A change is being proposed which would require all airplanes not equipped for instrument flight to display a placard so indicating (see proposed amendments to § 3.770) In addition, changes are proposed to require that the operating limitations prescribed in Part 43 of this chapter be displayed in the form of placards and/or markings. It is also being proposed to specify the manner in which operating limitations and information are furnished for airplanes weighing 6,000 pounds or less. This

change is considered necessary to clarify existing regulations which permit the use of markings and placards in lieu of flight manuals. (See proposed amendments to §§ 3.755 (a) and (b) 3.769 (b) and (d) 3.770, 3.771, and 3.777 (b).)

There is included a proposal involving the administrative portion of this part which provides the Administrator with authority to accept certain products manufactured outside of the United States. The change would permit, for example, the Administrator to delegate to national authorities such responsibilities as he considers appropriate with respect to acceptance of materials, parts, processes, or appliances. (See proposed amendment to § 3.18 (b).)

In addition a number of minor changes are being proposed for clarification and consistency with other parts of the regulations (see proposed amendments to §§ 3.74 (b) 3.431, 3.441 (a) (3) and 3.715)

It is proposed to amend Part 3 as follows:

1. By amending § 3.18 (b) to read as follows:

§ 3.18 Approval of materials, parts, processes, and appliances. \* \*

- (b) Any material, part, process, or appliance manufactured in the United States shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator. For any material, part, process, or appliance manufactured outside the United States, the Administrator shall determine the appropriate procedure for approval.
- 2. By amending § 3.74 by amending paragraphs (b) and (c) to read as follows:

§ 3.74 Maximum weight. \* \* \*

- (b) The design weight for which the structure has been proven, except as provided in § 3.242 for multiengine airplanes.
- (c) The maximum weight at which compliance with all of the applicable flight requirements has been demonstrated.
- 3. By amending § 3.217 to read as follows:
- § 3.217 Gust loads. The horizontal tail surfaces shall be designed for loads occurring in the conditions specified in paragraphs (a) and (b) of this section.
- (a) Positive and negative gusts of 30 feet per second nominal intensity at speed  $V_c$ , corresponding with the flight condition specified in § 3.187 (a) with flaps retracted.

Note: The average loadings of Figures 3-5 (a) and 3-5 (b) and the distribution of Figure 3-9 may be used for the total tail loading in this condition.

(b) Positive and negative gusts of 15 feet per second nominal intensity at speed  $V_f$ , corresponding with the flight condition specified in § 3.190 (b) with flaps extended and at speed  $V_d$ , corresponding with the flight condition specified in § 3.187 (b) with flaps retracted.

(c) In determining the total load on the horizontal tail for the conditions

specified in paragraphs (a) and (b) of this section, the initial balancing tail loads shall first be determined for steady unaccelerated flight at the pertinent design speeds  $V_f$ ,  $V_c$ , and  $V_d$ . The incremental tail load resulting from the gust shall then be added to the initial balancing tail load to obtain the total tail load.

Note: The incremental tail load due to the gust may be computed by the following formula.

 $\Delta t = 0.1 \ KUVS_t a_t \left[ 1 - \frac{36a_w}{R_w} \right]$ 

where:

 $\Delta t =$  the limit gust load increment on the tail in pounds, K = gust coefficient K in § 3.188,

U=nominal gust intensity in feet per second.

V = airplane speed in miles per hour,  $S_t = \text{tail surface area in square feet,}$ 

 $a_t =$  slope of lift curve of tail surface,  $C_L$  per degree, corrected for aspect ratio,  $a_w$  = slope of lift curve of wing,  $C_L$  per degree,

 $R_{w}$  = aspect ratio of the wing.

- 4. By amending § 3.241 by deleting the first sentence and substituting in lieu thereof a new sentence to read: "The loads specified in the following conditions shall be considered as the external loads and mertia forces which occur in an airplane structure."
- 5. By amending § 3.337 by deleting the fourth sentence and substituting in lieu thereof the sentence: "Longitudinal trimming devices for single-engine airplanes and longitudinal and directional trimming devices for multiengine airplanes shall be capable of continued normal operation notwithstanding the failure of any one connecting or transmitting element in the primary flight control system."
- 6. By amending § 3.386 by adding a new paragraph (d) to read as follows:

§ 3.386 Protection. \* \* \*

- (d) The mertia forces specified for N, U. and A category airplanes in paragraph (a) of this section shall be applied to all large items of mass which are located in the upward and rearward proximity of the passenger cabin and which are apt to injure the passengers or crew if such items become loose in the event of a minor crash landing. The supporting structure shall be designed to withstand these mertia forces.
- 7. By amending § 3.431 by adding after the reference "§ 3.85 (b)" the following "or § 3.85a (b)"
- 8. By amending § 3.440 by deleting the sentence: "The total usable capacity of the fuel tanks shall not be less than 1 gallon for each seven maximum continuous rated horsepower for which the airplane is certificated.'
- 9. By amending § 3.441 (a) (3) by deleting the sentence: "Subsequent tanks shall be production tested to at least 0.5 p. s. 1."
- 10. By amending § 3.561 by deleting the last sentence.
- 11. By amending § 3.667 (a) to read as follows:
- § 3.667 Automatic pilot system. \* \* \* (a) The system shall be so designed

that the automatic pilot can either.

- (1) Be quickly and positively disengaged by the human pilot(s) to prevent it from interfering with their control of the airplane, or
- (2) Be sufficiently overpowered by one human pilot to enable him to control the airplane.
- 12. By amending § 3.667 (d) to read as follows:
- § 3.667 Automatic pilot system. \* \* \* (d) The automatic pilot system shall be so designed that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.
- 13. By amending § 3.715 by deleting the words "specified in § 3.386 (a)" from the last sentence and inserting in lieu thereof the words "equal to those specified in § 3.386 (a) multiplied by a factor of 1.33"
- 14. By amending § 3.755 (a) by deleting the first sentence.
- 15. By amending § 3.755 (b) to read as follows:
  - § 3.755 Markings and placards. \* \* \*
- (b) When an airplane is certificated in more than one category the airspeed indicator markings shall be based on the most conservative value of the corresponding operating limitations. Placards containing operating limitations shall specify the appropriate values for each category in which the airplane is certificated.
- 16. By amending § 3.769 (b) to read as follows:
  - § 3.769 Approved flight maneuvers.
- (b) Category U. A placard shall be provided in clear view of the pilot stating: "Acrobatic maneuvers limited to the following: \_\_\_\_\_ (list approved maneuvers)"
- 17. By amending § 3.769 by adding a new paragraph (d) to read as follows:
- $\S 3.769$  Approved flight maneuvers.
- (d) When an airplane is certificated in more than one category the maximum weight for each such category shall be included with the corresponding list of maneuvers.
- 18. By amending § 3.770 to read as follows:
- § 3.770 Operating limitations placard. For airplanes having a maximum weight of more than 6,000 pounds, a placard shall be provided in clear view of the pilot stating: "This airplane must be operated as a \_\_\_\_ or \_\_\_ category airplane in compliance with the operating limitations included in the Airplane Flight Manual."
- 19. By adding a new § 3.771 to read as follows:
- § 3.771 Additional placards for airplanes having a maximum weight of 6,000 pounds or less. In airplanes hav-

ing a maximum weight of 6,000 pounds or less, the following operating limitations shall be shown on placards in view of the pilot:

(a) Maximum weight for each category in which the airplane is certificated (also see § 3.769 (d))

(b) Center of gravity limits and datum.

(c) Maximum speed with landing gear extended, if the airplane is equipped with retractable landing gear;

(d) Minimum control speed with oneengine-inoperative, for multiengine airplanes.

20. By adding a new § 3.772 to read as

§ 3.772 Instrument flight placard. In each airplane which is not equipped for instrument flight in accordance with Part 43 of this chapter, and installed as prescribed in this part, a placard shall be provided in clear view of the pilot stating: "This airplane, as equipped, is not eligible for instrument flight rule (IFR) operations."

21. By amending § 3.777 (b) to read as follows:

§ 3.777 Airplane Flight Manual. \* \* \*

(b) For airplanes having a maximum certificated weight of 6,000 pounds or less, operating limitations and information shall be provided, instead of an Airplane Flight Manual, for each airplane as follows:

(1) Approved operating limitations in the form of markings and/or placards, as prescribed in §§ 3.755 through 3.771,

(2) Weight and balance data, as specified in § 3.778 (c)

(3) Any other operating information required by this part, in the form of a manufacturer's manual or additional placards.

Proposed Rules—Parts 4b, 40, 41, 42, and special civil air regulation No. SR-401. As a result of considerations given within the scope of the 1954 Annual Airworthiness Review, there are now being proposed a number of changes to the transport category requirements. Some of the more significant changes being proposed are those applicable to turbine powered airplanes. These represent the initial step in the development of airworthiness requirements which are more specifically applicable to turbine-powered transport category airplanes. The extent of these changes is considered to represent as much progress as can be reasonably expected in view of the present state of development. The proposed changes involve the flight, structural, and powerplant installational provisions of Part 4b. In addition to those intended for turbine airplanes, there are other substantive changes which are generally applicable to transport category airplanes, irrespective of the type of powerplant used.

The most significant changes proposed for the flight provisions deal with the establishment of limiting climb speeds for the all-engine-operating landing configuration and for the one-engineinoperative approach configuration. No limiting speeds are prescribed in the presently effective regulations. In view of the fact that the best climb speeds for jet-powered airplanes might be considerably higher than the operational landing speed, this proposal is designed to assure a reasonable relationship between those speeds (see proposed amendments to §§ 4b.119 and 4b.120) Other flight requirement proposals include changes to the requirements for take-off speeds (see proposed amendment of § 4b.114) to the trim requirements (see proposed amendments to §§ 4b.141 and 4b.142) and to the stability requirements (see proposed amendments to §§ 4b.154 and 4b.155)

Among changes proposed for the structural requirements applicable to turbine-propeller powered airplanes are two new provisions, one of which specifies taking into account the high torque which might occur from possible unwanted feathering of a propeller under full power, and the other of which specifles consideration of the unsymmetric tail loads caused by propeller drag resulting from possible time delay between engine failure and feathering of the propeller (see proposed amendment to § 4b.216) Another change permits the applicant to limit  $V_{\mathcal{O}}$  at altitudes where  $\boldsymbol{V}_{D}$  is limited by Mach number (see proposed amendment to § 4b.210 (b) (4))

Of the proposed changes to the structural provisions to Part 4b which are generally applicable to all airplanes, the most important one is concerned with investigation of the landing gear for loads resulting from higher contact speeds at altitudes and during downwind landings when the approval of landings above 5,000 feet or landings in downwinds exceeding 10 mph is sought (see proposed amendment to § 4b.231 (a))

Changes are being proposed with respect to the installation of smoke detectors in cargo compartments. The presently effective rules in Part 4b require the installation of smoke detectors in cargo compartments "B" "C" and "D" Also the air carrier operating parts of the regulations require on all passenger airplanes with engines of over 600 horsepower the installation of smoke detectors in "B" and "C" compartments. On the other hand, pending further development of reliable smoke detectors, Special Civil Air Regulation No. SR-401 permitted non-compliance with the smoke detector provisions in Part 4b and in the operating parts of the regulations until April 1, 1956. Experience and studies now indicate that smoke detectors in cargo compartments "D" are not necessary for safety also that cargo compartments "B" and "C" can be effectively protected with certain type fire detectors as well as with smoke detectors. Consequently changes to that effect are being proposed to Part 4b, and it is proposed to amend SR-401 so that on and after April 1, 1956, fire detectors may be installed in lieu of smoke detectors in compartments "B" and "C" and no detectors would be required in compartments "D" (See proposed amendments to § 4b.383 (b) (2) (c) (1) and (d) and Special Civil Air Regulation No. SR-401.)

A number of significant changes are being proposed in connection with the powerplant installational requirements as applicable to turbine-powered airplanes. These entail several new provisions designed for the protection against fire in turbine powerplant installations and include provisions against overflow of combustible fluids in the induction system, provisions specifying the compressor and accessory section of the turbine engine as designated fire zones, and provisions making certain appropriate requirements of the presently effective regulations for designated fire zones applicable to the combustion, turbine, and tail pipe sections of turbine engines (see proposed amendments to §§ 4b.460, 4b.480, 4b.483, 4b.486, 4b.488, and 4b.490)

There is being proposed a comprehensive and detailed set of standards for the protection against icing considered necessary for most types of icing conditions which may be reasonably anticipated during normal operations. (See proposed amendments to §§ 4b.1 (b) and 4b.640.)

There is also included a proposal which would eliminate the requirement for the carriage of the Airplane Flight Manual on board air carrier airplanes if an operator's manual is carried which contains all the information as required for the Airplane Flight Manual.

There is being included a proposal involving the administrative portion of this Part which provides the Administrator with authority to accept certain products manufactured outside of the United The change would permit, for States. example, the Administrator to delegate to national authorities such responsibilities as he considers appropriate with respect to acceptance of materials, parts, processes, or appliances (see proposed amendment to § 4b.18 (b))

In addition to the items specifically mentioned, there are being proposed miscellaneous minor changes, most of which are editorial or of a clarifying nature.

With respect to transport category rules other than those contained in Part 4b, it is proposed to change the lateral clearance and altitude requirements applicable to the en route performance limitations in Parts 40, 41, and 42 for the purpose of consistency with the IFR operating minima presently specified in the regulations.

A number of issues considered during this Annual Airworthiness Review have not been sufficiently resolved to warrant specific proposals for change in the regulations. Among the more prominent issues was that of temperature and humidity accountability, which after considerable discussion at the annual meeting, was deferred for further study Other issues similarly unresolved pertain to gust load factors, never-exceedspeed, definitions of terms applicable to turbine-powered airplanes, fuel flow rate, and unusable fuel supply and fuel system operation on low fuel.

In addition, no proposal is being made herein regarding the margin between stall warning and the stall although this matter was discussed at the recent airworthiness meeting. It was proposed to alleviate the problem of swept wings which as a rule do not possess any difi-

nite break in the lift curve. As a result the prescribed margin between stall warning and actual stall should not be as restrictive as the margin applicable to the more conventional wings. Although the explanatory note in the presently effective § 4b.162 mentions a seven percent margin for stall warning, this value was not intended by the Board to be illustrative necessarily of all cases. The Bureau considers that the language of § 4b.162 and of the note thereunder are sufficiently broad to permit reasonable application to wings with varied stall characteristics including swept wings.

It is proposed to amend Parts 4b, 40, 41, and 42 as follows:

1. By amending § 4b.1 (b) by adding new subparagraphs (7) and (8) to read as follows:

#### § 4b.1 Definitions. \* \* \*

- (b) General design. • •
- (7) Continuous maximum icing. The maximum continuous intensity of atmospheric icing conditions is defined by the variables of the cloud liquid water content, the mean effective diameter of the cloud droplets, the ambient air temperature, and the inter-relationship of these three variables as shown in Figure 4b-24 The inter-relationship of cloud liquid water content with ambient temperature, as a function of pressure altitude is determined from Figure 4b-24 The cloud liquid water content for continuous maximum icing conditions of a horizontal extent other than twenty miles is determined by the value of liquid water content of Figure 4b-24 (a) multiplied by the appropriate factor from Figure 4b-24 (c) (See § 4b.640.)
- (8) Intermittent maximum The intermittent maximum intensity of atmospheric icing conditions is defined by the variables of the cloud liquid water content, the mean effective diameter of the cloud droplets, the ambient air temperature, and the inter-relationship of these three variables as shown in Figure The inter-relationship of 4b-25 (a) cloud liquid water content with ambient air temperature, as a function of pressure altitude is determined from Figure 4b-25 (b) The cloud liquid water content for intermittent maximum icing conditions of a horizontal extent other than three miles is determined by the value of cloud liquid water content of Figure 4b-25 (a) multiplied by the appropriate factor in Figure 4b-25 (c) (See § 4b.640.)

Note: There has been some indication that the upper altitude limit might extend to 30,000 feet pressure altitude, and the lower limit of ambient temperature may be as low as -40° F Because of this indication, the portions in this region of Figures 4b-25 (a) and (b) are shown dotted.

2. By amending § 4b.1 (d) by adding a new subparagraph (21) to read as follows:

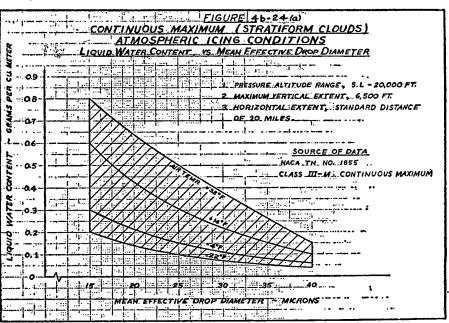
#### § 4b.1 Definitions.

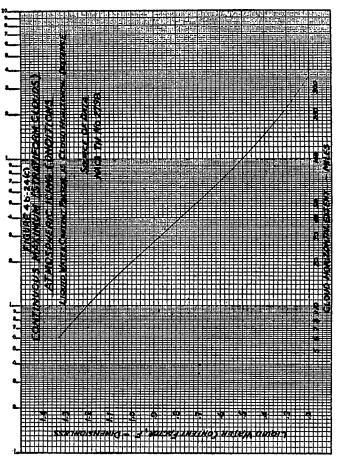
- (d) Speeds. \* \* \*
- (21) Mach number Mach number is the ratio of true airspeed to the speed of sound.
- 3. By amending § 4b.18 (b) to read as follows:

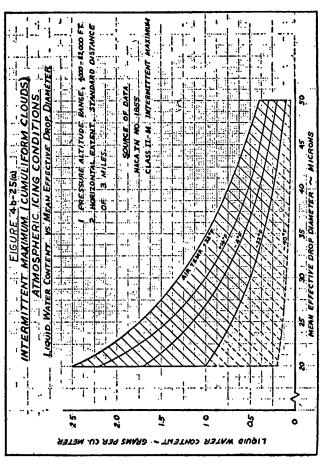
- § 4b.18 Approval of materials, parts, processes, and appliances. \*
- (b) Any material, part, process, or appliance manufactured in the United States shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator. For any material, part, process, or appliance manufactured outside the United States, the Administrator shall determine the appropriate procedure for approval.
- 4. By amending § 4b.144 (b) (1) and (2) to read as follows:

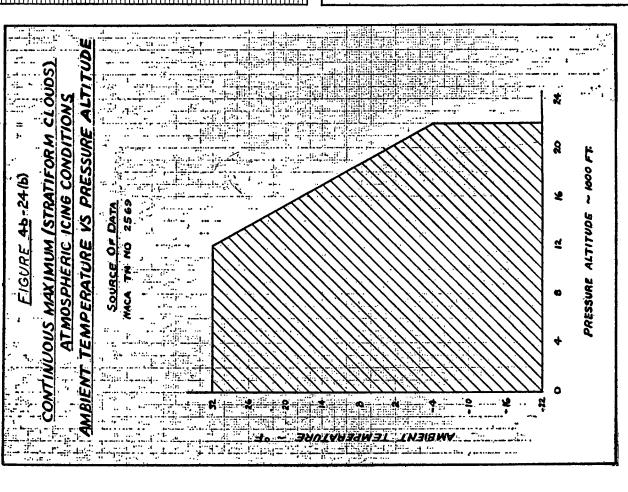
- § 4b.114 Take-off speeds. \* \* \* (b) \* \* \*
- (1) 1.2  $V_{s_1}$  for two-engine propellerdriven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in stalling speed with power on (one engine inoperative)
- (2) 1.15  $V_{s_t}$  for propeller-driven airplanes having more than two engines and for airplanes without propellers which have provisions for obtaining a significant reduction in stalling speed with power on (one engine inoperative)
- 5. By amending § 4b,119 (b) by adding a new subparagraph (7) to read as follows:
- § 4b.119 Climb, all engines operating.
- (b) Landing configuration. \* \* \*
- (7) A climb speed not in excess of 1.4 Vs0.
- 6. By amending § 4b.120 (d) by adding a new subparagraph (8) to read as
- § 4b.120 On e-e n g i n e-inoperative climb. \* \* \*
  - (d) Flaps in approach position. \* \* \*
- (8) A climb speed not in excess of 1.5 Vs1.

- 7. By amending § 4b.141 to read as follows:
- § 4b.141 Lateral and directional trim. The airplane shall maintain lateral and directional trim under the most adverse lateral displacement of the center of gravity within the relevant operating limitations, under all normally expected conditions of operation, including operation at any speed from 1.4  $V_{s_1}$  to  $V_{NO}$  or to  $M_{NO}$  whichever is the lesser.
- 8. By amending § 4b.142 (c) to read as follows:
  - § 4b.142 Longitudinal trim. \* \* \*
- (c) During level flight at any speed from 1.4  $V_{s_1}$  to  $V_{NO}$  or to  $M_{NO}$ , whichever is the lesser, with the landing gear and wing flaps retracted, and from 1.4  $V_{s_1}$  to  $V_{LE}$  with the landing gear extended.
- 9. By amending § 4b.154 (d) to read as follows:
- § 4b.154 Stability during climb.
- (d) 75 percent of maximum continuous power for reciprocating engine powered airplanes; and maximum power thrust selected by the applicant as an operating limitation for use during climb (see § 4b.718) for turbine-engine-powered airplanes,
- 10. By amending § 4b.155 (a) (3) and (4) to read as follows:
- § 4b.155 Stability during cruising-(a) Landing gear retracted. \* \* \*
- (3) 75 percent of maximum continuous power or the maximum cruising power selected by the applicant as an operating limitation (see § 4b.718) whichever is the greater, except that the power need not exceed that required at  $V_{NO}$ ,
- (4) The airplane trimmed in level flight with the power specified in subparagraph (3) of this paragraph.









vices are intended for use in en route conditions (e g as speed brakes) the

(b) When flaps or similar high lift de-

airplane shall be assumed to be subjected

\$ 11 By amending § 4b 155 (b) (3) read as follows:

and by adding a new paragraph (b)

(a) and by adding to read as follows:

devices

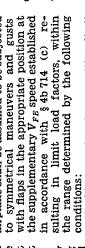
lift

§ 4b 212 Effect of high

- cruising Stability during § 4b 155
  - (b) Landing gear extended
- operating limitation, whichever is the greater except that the power need not exceed that required for level flight at (3) 75 percent of maximum continuous power or the maximum cruising power selected by the applicant as an

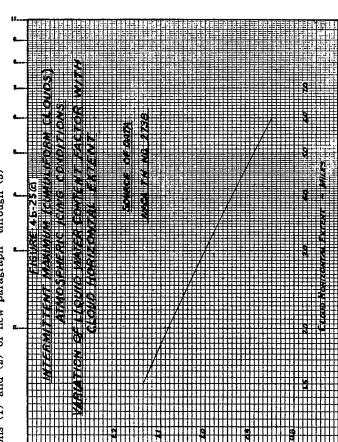
At altitudes where  $V_D$  is limited by Mach number, it shall be acceptable to limit  $V_C$  to a Mach number selected by 12 By amending § 4b 210 (b) (4) by deleting the last sentence and inserting in lieu thereof a new sentence to read

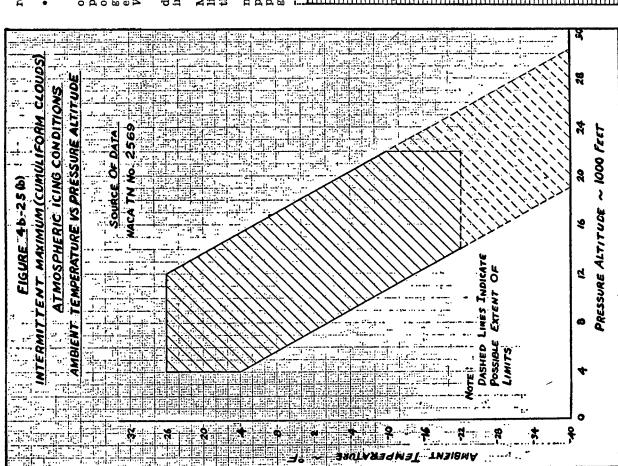
13 By amending § 4b 212 by designating the introductory paragraph as redesignating (b) as subparagraphs (1) and (2) of new paragraph (a) and by the applicant paragraphs paragraph



(1) Maneuvering to a positive limit load factor of 25 (2) Positive and negative 30 fps nominal intensity gusts acting normal to the flight path in level flight

§ 4b 216 (a) by defrom the first sen-14 By amending § 4b 216 (a) by leting (1) and (2) from the first s tence and inserting in lieu thereof





- 15. By amending § 4b.216 (a) by adding a new subparagraph (3) to read as follows:
- \$ 4b.216 Supplementary flight conditions. \* \*
  - (a) Engine torque effects. \* \* \*
- (3) For turbine propeller installations, in addition to the conditions specified in subparagraphs (1) and (2) of this paragraph, the limit torque, corresponding with take-off power and propeller speed, multiplied by a factor of 2.0 shall be considered to act simultaneously with 1g level flight loads.
- 16. By amending § 4b.216 by adding a new paragraph (d) to read as follows:
- § 4b.216 Supplementary flight conditions. \* \* \*
- (d) The tail shall be designed for unsymmetrical loads resulting from failure of one engine.
- 17. By amending § 4b.221 (a) by deleting the reference "§ 4b.212" and inserting in lieu thereof the reference "§ 4b.212 (a)"
- 18. By amending § 4b.226 (a) to read as follows:
- § 4b.226 Ground gust conditions.
- (a) The control system between the stops nearest the surfaces and the cockpit controls shall be designed for loads corresponding with the limit hinge moments H of paragraph (b) of this section, except that these loads need not exceed those corresponding with the maxima of Figure 4b-5 for each pilot alone, or with 75 percent of these maxima for each pilot when the pilots act in conjunction.
- 19. By amending § 4b.231 (a) by inserting after the first sentence a new sentence to read: "When approval of downwind landings exceeding 10 m. p. h. or landings at elevations higher than 5,000 feet is sought, the effect of increased contact speeds shall be investigated."
- 20. By amending § 4b.356 (b) by adding after the second sentence the following parenthetical note: "(It is not the intent to prohibit the use of inward opening doors if sufficient measures are provided to prevent occupants from crowding against the door to an extent which would interfere with the opening of the door.)"
- 21. By amending § 4b.373 by revising the parenthetical reference at the end of the section to read: "(See also §§ 4b.216 (c) and 4b.352, and the oxygen requirements of the appropriate operating parts of this chapter.)"
- 22. By amending § 4b.383 (b) (2) by deleting the words "other than a heat detector"
- 23. By amending  $\S$  4b.383 (c) (1) (i) by deleting the words "other than a heat detector"
- 24. By amending § 4b.383 (d) by deleting subparagraph (1) and by redesignating subparagraphs (2) (3) (4) and (5) as subparagraphs (1) (2) (3) and (4) respectively.
- 25. By amending § 4b.386 (a) (3) by adding the following words at the end

- thereof, "except that no fire extinguishment need be provided for this area"
- 26. By amending § 4b.401 (c) by amending the first sentence to read: "Means shall be provided for stopping and restarting the rotation of any engine individually in flight, except that for turbine engine installations means for stopping the rotation shall be provided only when such rotation is deemed hazardous to the safety of the airplane."
- 27. By amending § 4b.404 (c) by deleting the word "propeller" between the words "the" and "speed" and inserting in lieu thereof the word "engine"
- 28. By amending § 4b.417 (a) (1) to read as follows:
- § 4b.417 Fuel system hot weather operation.
  - (a) \* \*
- (1) For reciprocating engine powered airplanes, all engines shall operate at maximum continuous power, except that take-off power shall be used for the altitude range extending from 1,000 feet below the critical altitude through the critical altitude. The time interval during which take-off power is used shall not be less than the take-off time limitation. For turbine-engine-powered airplanes, all engines shall operate at take-off power for the time interval selected by the applicant in demonstrating the take-off flight path and thereafter shall operate at maximum continuous power for the duration of the climb.
- 29. By amending § 4b.418 (a) to read as follows:
- § 4b.418 Flow between interconnected tanks. (a) Where tank outlets are interconnected and permit flow through the interconnection due to gravity or flight accelerations, it shall not be possible for fuel to flow between tanks in quantities sufficient to cause an overflow of fuel from the tank vent when the airplane is operated as prescribed in § 4b.416 (b) and the tanks are full.
- 30. By amending \$4b.420 by deleting paragraph (e) and by redesignating paragraph (f) as paragraph (e)
- 31. By deleting §§ 4b.455 through 4b.457.
- 32. By amending § 4b.460 by adding a new paragraph (f) to read as follows:
  - § 4b.460 General. \* \* \*
- (f) For turbine engine airplanes, provisions shall be made to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems to enter the engine intake system.
- 33. By amending § 4b.480 (a) by adding a new subparagraph (6) to read as follows:
  - § 4b.480 Designated fire zones. • • (a) • •
- (6) Compressor and accessory sections of turbine engines.
- 34. By amending § 4b.481 (c) to read as follows:
  - § 4b.481 Flammable fluids. • •
- (c) If absorbent materials are located in proximity to components of flammable

- fluid systems which might be subject to leakage, such materials shall be covered or treated to prevent the absorption of hazardous quantities of fluids.
- 35. By amending the introductory paragraph of § 4b.483 to read as follows:
- § 4b.483 Lines and fittings. All lines and fittings carrying flammable fluids or gases in designated fire zones or in the combustion, turbine, or tail pipe sections of turbine engines shall comply with the provisions of paragraphs (a) through (c) of this section.
- 36. By amending § 4b.484 (a) (1) by adding a note at the end of the subparagraph to read as follows:

Note: Induction systems for reciprocating engines are considered to be located in an engine designated fire zone, and therefore fire extinguisher protection should be provided for the induction system where such protection will be practicable and not contrary to safety in other respects.

- 37. By amending the introductory paragraph of § 4b.486 to read as follows:
- § 4b.486 Fire walls. All engines, auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight as well as the combustion, turbine, and tail pipe sections of turbine engines shall be isolated from the remainder of the airplane by means of fire walls, shrouds, or other equivalent means. The following shall apply.
- 38. By amending § 4b.487 (e) by deleting the first sentence and inserting in lieu thereof the sentence: "The airplane shall be so designed and constructed that, in event of fire originating in the engine power or accessory sections, the probability is extremely remote for fire to enter either through openings or by burning through external skin into any other zone of the nacelle where such fire would create additional hazards."
- 39. By amending § 4b.488 to read as follows:
- § 4b.488 Engine accessory section diaphragm. Unless equivalent protection can be shown by other means, a diaphragm shall be provided on aircooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment, and on turbine engines to isolate the combustion, turbine, and tail pipe sections from the compressor and the accessory sections. This diaphragm shall comply with the provisions of § 4b.486.
- 40. By amending § 4b.489 (a) to read as follows:
- § 4b.489 Drainage and ventilation of fire zones. (a) Complete drainage of all portions of designated fire zones shall be provided to minimize the hazards resulting from failure or malfunctioning of components containing flammable fluids. The drainage provisions shall be effective under conditions expected to prevail when drainage is needed and shall be so arranged that the discharged fluid will not cause an additional fire hazard.

- 41. By amending § 4b.490 by redesignating the introductory paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:
- § 4b.490 Protection of other airplane components against fire.
- (b) Consideration shall be given to the effect on adjacent parts of the airplane of heat within designated fire zones and within the combustion, turbine, and tail pipe sections of turbine engines.
- 42. By amending § 4b.605 (b) by inserting the word "individual" between the words "Approved" and "safety"
- 43. By amending § 4b.610 by adding a note at the end of the section to read as follows:

Note: It may be necessary to duplicate certain instruments at two or more crew stations when this is necessary to meet the instrument visibility requirements prescribed in § 4b.611 or when required by the operating rules for reliability or cross check purposes in particular types of operations. In the latter case, independent operating systems would be required in accordance with the provisions of § 4b.612 (f).

- 44. By amending § 4b.612 (d) (1) to read as follows:
- (d) Automatic pilot system. \* \* \*
- (1) The system shall be so designed that the automatic pilot can either be quickly and positively disengaged by the human pilots to prevent it from interfering with their control of the airplane, or be overpowered by one human pilot to enable him to control the airplane.
- 45. By amending § 4b.612 (d) (3) by changing the word "pilot" to "pilots"
- 46. By amending § 4b.612 (f) by deleting the first sentence and inserting in lieu thereof the sentence: "If duplicate flight instruments are required by the regulations in this subchapter (see note under § 4b.610) the operating system for a duplicate instrument shall be completely independent of the operating system for the duplicated instrument."
- 47. By amending Figure 4b-20 by amending the note to read as follows:

Note: Area A includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 10 degrees but less than 20 degrees. Area B includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 20 degrees.

- 48. By amending § 4b.632 (e) (1) and (2) to read as follows:
- § 4b.632 Position light system installation. \* \* \*
  - (e) Flasher \* \* \*
- (1) The flashing frequency shall not be less than 65 and not more than 85 flashes per minute.
- (2) The sequence of position lights shall conform to either one of the following:
- (i) The forward position lights and fuselage lights flashing simultaneously at the rate specified in subparagraph (1) of this paragraph, with the rear red and white position lights flashing alternately or

- (ii) The forward position lights and fuselage lights flashing alternately at the rate specified in subparagraph (1) of this paragraph, with the rear white light flashing simultaneously with the forward position lights and the rear red light flashing simultaneously with the fuselage lights.
- 49. By amending § 4b.634 (b) (3) to read as follows:
- § 4b.634 Position light distribution and intensities. \* \* \*
- (b) Forward and rear position lights.
- (3) Overlaps between adjacent signals. The intensities in overlaps between adjacent signals shall not exceed the values given in Figure 4b-20, except that higher intensities in the overlaps shall be acceptable with the use of main beam intensities substantially greater than the minima specified in Figures 4b-18 and 4b-19 if the overlap intensities in relation to the main beam intensities are such as not to affect adversely signal clarity.
- 50. By amending § 4b.640 to read as follows:
- § 4b.640 Ice protection. Compliance with this section is optional. The requirements of this section are intended to provide for safe flight in icing conditions. When compliance is shown with the provisions of this section, the type certificate shall include certification to that effect. When an airplane is certificated to include ice protection provisions, the recommended procedures for the use of the ice protection equipment shall be set forth in the Airplane Flight Manual (see § 4b.742 (a)) It shall be shown, as prescribed in paragraphs (a) through (c) of this section, that the airplane is capable of operating safely in continuous maximum and intermittent maximum atmospheric icing conditions as defined in § 4b.1 (b) (7) and (8)
- (a) An analysis shall be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane.
- (b) All the components of the ice protection system shall be physically evaluated.
- (c) In addition to the analysis and physical evaluation prescribed in paragraphs (a) and (b) of this section, the effectiveness of the ice protection system and its components shall be shown by one or more of the following means:
- (1) Laboratory dry air and/or simulated icing tests of the actual components or models thereof.
- (2) Flight dry air tests of the ice protection system as a whole, or of its components individually.
- (3) Flight tests of the airplane or its components in measured simulated icing conditions.
- (4) Flight tests of the airplane in measured natural atmospheric icing conditions.

Note: For turbine-powered airplanes, the ice protection provisions of this section are considered to be primarily applicable to the airframe including engine inlet duct lips and surfaces and with respect to adequate ice protection for the powerplant installation, may be supplemented by such addi-

- tional provisions of Subpart E of this part as are found applicable.
- 51. By amending \$ 4b.643 by deleting from the last sentence the words "specified in \$ 4b.260 (a)" and inserting in lieu thereof the words "equal to those specified in \$ 4b.260 (a) multiplied by a factor of 1.33."
- 52. By amending § 4b.712 by adding a new paragraph (c) to read as follows:
- $\S$  4b.712 Normal operating limit speed,  $\textit{V}_{NO}.$  \* \* \*
- (c) At altitudes where  $V_{NE}$  is limited by compressibility a spread between  $V_{NO}$  and  $V_{NE}$  shall not be required (i. e.,  $M_{NO}$  equal to the lesser of  $M_{NE}$  or  $M_{C}$  shall be acceptable)
- 53. By amending § 4b.732 by deleting the first sentence of the introductory paragraph and inserting in lieu thereof the sentence: "The following markings shall be placed on the air-speed indicator in terms of IAS."
- 54. By amending § 4b.740 (a) to read as follows:
- § 4b.740 General. (a) An Airplane Flight Manual shall be furnished with each airplane except with those airplanes which are operated in air carrier service and which carry an operator's manual containing information as required for the Airplane Flight Manual.
- 55. By amending §§ 40.73, 40.74, and 40.75 (b) by deleting in each instance the phrase "at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track" and inserting in lieu thereof the following phrase, "at the minimum IFR en route flight altitude prescribed in § 40.408."
  - 56. By deleting § 40.76.
- 57. By amending § 41.30 by deleting from paragraphs (a) (b) and (c) (2) the phrase, "at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track" and substituting in lieu thereof the phrase, "at the minimum IFR flight altitudes prescribed in § 41.114 (b)"
- 58. By amending § 41.30 by deleting paragraph (d)
- 59. By amending §§ 42.73, 42.74, and 42.75 (b) by deleting the phrase "at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track" and substituting in lieu thereof the phrase, "at the minimum IFR flight altitudes prescribed in § 42.53"
  - 60. By deleting § 42.76.
- 61. By amending Special Civil Air Regulation SR-401 by adding in substance the following provision: "On and after April 1, 1956, where the operating parts of the Civil Air Regulations require the installation and maintenance of smoke detectors in cargo compartments, such rules shall be applicable only to cargo compartments "B" and "C" and fire detectors in lieu of smoke detectors shall be considered as meeting the intent of the regulation."

Proposed Rules—Part 5. A change is being proposed to the administrative

portion of this part which provides the Administrator with authority to accept certain products manufactured outside of the United States. The change would permit, for example, the Administrator to delegate to national authorities such responsibilities as he considers appropriate with respect to acceptance of materials, parts, processes, or appliances.

It is proposed to amend Part 5 as follows:

By amending § 5.18 (b) to read as follows:

§ 5.18 Approval of materials, parts, processes, and appliances. \* \* \*

(b) Any material, part, process, or appliance manufactured in the United States shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator. For any material, part, process, or appliance manufactured outside the United States, the Administrator shall determine the appropriate procedure for approval.

Proposed Rules-Part 6. A few relatively minor changes which were considered non-controversial and therefore not discussed at the annual meeting are being proposed. One proposal would eliminate the requirement which specifles the minimum fuel capacity in terms of horsepower and, for general application, would permit determination of the fuel capacity to suit any operation contemplated for a particular rotorcraft. Another change would require taking into account the reactions resulting from the-pilot's control of the rotorcraft in the design of the pilot seats. This change is intended to define more completely the conditions for structural design of the seat and is consistent with other parts of the Civil Air Regulations.

There is being proposed to the administrative portion of this part a change which provides the Administrator with authority to accept certain products manufactured outside of the United States. The change would permit, for example, the Administrator to delegate to national authorities such responsibilities as he considers appropriate with respect to acceptance of materials, parts, processes, or appliances.

It is proposed to amend Part 6 as follows:

1. By amending § 6.18 (b) to read as follows:

§ 6.18 Approval of materials, parts, processes, and appliances.

(b) Any material, part, process, or appliance manufactured in the United States shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator. For any material, part, process, or appliance manufactured outside the United States, the Adminis-

trator shall determine the appropriate procedure for approval.

2. By amending § 6.101 (b) (2) to read as follows:

§ 6.101 Weight limitations. \* \* \* (b) \* \* \*

(2) Usable fuel appropriate to the operation contemplated with full payload.

3. By amending § 6.355 by inserting at the end of the section before the parenthetical reference note the following sentence: "In addition, pilot seats shall be designed for the reactions resulting from the application of pilot forces to the flight controls as prescribed in § 6.225 (a) "

4. By amending § 6.420 by deleting the first sentence and inserting in lieu thereof the following sentence: "The usable fuel capacity shall be sufficient for the operations contemplated."

Proposed Rules—Part 13. A change is being proposed to the administrative portion of this part which provides the Administrator with authority to accept certain products manufactured outside of the United States. The change would permit, for example, the Administrator to delegate to national authorities such responsibilities as he considers appropriate with respect to acceptance of materials, parts, processes, or appliances.

It is proposed to amend Part 13 as follows:

By amending § 13.18 (b) to read as follows:

§ 13.18 Approval of materials, parts, processes, and appliances. \* \* \*

(b) Any material, part, process, or appliance manufactured in the United States shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator. For any material, part, process, or appliance manufactured outside the United States, the Administrator shall determine the appropriate procedure for approval.

Proposed Rules—Part 14. A change is being proposed to the administrative portion of this part which provides the Administrator with authority to accept certain products manufactured outside of the United States. The change would permit, for example, the Administrator to delegate to national authorities such responsibilities as he considers appropriate with respect to acceptance of materials, parts, processes, or appliances.

It is proposed to amend Part 14 as follows:

By amending § 14.18 (b) to read as follows:

§ 14.18 Approval of materials, parts, processes, and appliances.

(b) Any material, part, process, or appliance manufactured in the United States shall be deemed to have met the requirements for approval when it meets

the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator. For any material, part, process, or appliance manufactured outside the United States, the Administrator shall determine the appropriate procedure for approval.

Proposed Rules—Part 18. The proposed amendments to this part consist of two minor changes with respect to the airworthiness requirements applicable to alterations and with respect to the issuance of supplemental type certificates for major alterations. The proposal consists primarily of adding reference notes of a clarifying nature.

It is proposed to amend Part 18 as follows:

1. By amending footnote 5 applicable to § 18.11 (b) by adding at the end the following sentence: "See also § 1.25 of this chapter."

2. By amending § 18.30 (b) by inserting "applicable "before the words "airworthiness requirements" and by adding footnote to read as follows:

The airworthiness requirements applicable to an alteration are normally those with which the manufacturer originally demonstrated compliance for the issuance of a type certificate. The Aircraft Specification includes a reference to that part of the Civil Air Regulations and to the category under which the original type certification was accomplished. More detailed information on the requirements applicable at the time of type certification can be obtained from the Civil Aeronautics Administration. However, the individual parts of the airworthiness regulations specify that the provisions in effect on the date of application for approval to the alteration may be made applicable. (See §§ 3.11, 4.11, 5.11, 6.11, 13.11, or 14.11 of this chapter, whichever part is applicable.)

Proposed Rules—Part 43. A change is being proposed which would require the installation of artificial-horizon and direction indicators, in addition to the turn indicator which is now required, for IFR flight. This additional equipment is being proposed on the basis that flight tests on small aircraft have shown that instrument flight without such equipment is extremely difficult under rough air conditions.

It is proposed to amend Part 43 as follows:

By amending § 43.30 by adding new subparagraphs (8) and (9) to paragraph (c) and a new note to read as follows:

§ 43.30 Instruments and equipment for NC powered aircraft or powered aircraft with standard airworthiness certificates. \* \* \*

(c) Instrument flight rules. \* \* \*

(8) Gyroscopic bank and pitch indicator (artificial-horizon)

(9) Gyroscopic direction indicator (directional gyro or equivalent)

NOTE: Instrument installations shall comply with the applicable airworthiness parts of the Civil Air Regulations.

[F R. Doc. 55-205; Filed, Jan. 14, 1955; 8:45 a. m.]

# **NOTICES**

#### DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

NOTICE OF HEARING ON PROPOSED WITHDRAWAL OF PUBLIC LANDS

JANUARY 10, 1955.

Notice is hereby given that a public hearing will be held at 10:00 a. m., Thursday, February 10, 1955 in the Civil Service Room, Federal Building, Rapid City South Dakota, pertaining to the request by the Fish and Wildlife Service, Department of the Interior (BLM-54152) for the withdrawal from all forms of appropriation under the public land laws, except mining and mineral leasing laws, of the lands described hereafter for use by the South Dakota State Department of Game, Fish and Parks as wildlife refuges, public shooting grounds, or game management units, as set forth in the Notice of Pro-posed Withdrawal and Reservation of Lands, published in the Federal Reg-ISTER on November 16, 1954, Vol. 19, page 7379. The lands are described as fol-

Parcel A. That part of Fort Meade Military Reservation lying north of the south boundary of T. 6 N., R. 5 E., Black Hills Meridian, and covering parts of Sections 25, 26, 27, 34, and 36 and all of Section 35 in that township, consisting of approximately 2,131 acres.

Parcel B: That part of the Fort Meade Military Reservation lying in the south half of Sections 13, 14 and 15, Sections 22, 23, 24, 25, 26, and 27, T. 5 N., R. 5 E., Black Hills Meridian, exclusive of approximately 105.9 acres within the Black Hills National Cemetery situated in Sections 25 and 26 and the reacquired lands portions of the Military Reservation, in Sections 13, 24, and 25, amounting to approximately 2,415.45 acres.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent, and extent; and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than February 4, 1955, with the State Supervisor, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

R. D. NIELSON, State Supervisor

[F R. Doc. 55-363; Filed, Jan. 14, 1955; 8:45 a. m.]

### **DEPARTMENT OF LABOR**

# Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525) and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102)

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

The New York Association for the Blind, Occupational Department, 111 East Fifty-ninth Street, New York 22, N. Y., at a rate of not less than 10 cents per hour. Certificate is effective January 1, 1955, and expires on October 31, 1955.

Elmira Association for the Blind, Inc., 717 Lake Street, Elmira, N. Y., at a rate of not less than 35 cents per hour for a training period of 240 hours and 60 cents thereafter. Certificate 12 effective December 1, 1954, and expires on November 30, 1955.

Goodwill Home and Rescue Mission, 28-44 Eagles Street, Newark, N. J., at a rate of 40 cents per hour for the entire shop and truck helpers; 40 cents per hour for a training period of 120 hours and 55 cents thereafter in the paper baling department; 40 cents per hour for a training period of 120 hours and 50 cents thereafter in the clothing sorting and baling department. Certificate is effective January 1, 1955, and expires on December 31, 1955.

Mobility Incorporated, Workshop Division, 13 North Central Avenue, Elmsford, N. Y., at a rate of not less than 50 cents per hour. Certificate is effective January 1, 1955, and expires on November 30, 1955.

Lancaster County Branch, Pennsylvania Association for the Blind, 506 West Walnut Street, Lancaster, Pa., at a rate of 40 cents per hour. Certificate is effective January 1, 1955, and expires on December 31, 1955.

Pittsburgh Branch, Pennsylvania Association for the Blind, 308 South Craig Street, Pittsburgh, Pa., at a rate of 20 cents per hour in the entire shop, 20 cents per hour for a training period of 200 hours and 50 cents thereafter in the Broom, Mop, Brush, Mats, Shipping, Maintenance and Clerical Departments; 20 cents per hour for a training period

of 200 hours and 42½ cents per hour thereafter in the Contract and Sewing Departments. Certificate is effective January 1, 1955, and expires on December 31, 1955.

American Legion Employment Industries, 3865 Forest Park Boulevard, St. Louis 8, Mo., at a rate of not less than 60 cents per hour. Certificate is effective December 1, 1954, and expires on November 30, 1955.

Goodwill Industries, 312 South Wall Street, Sioux City 4, Iowa, at a rate of not less than 50 cents per hour. Certificate is effective December 1, 1954, and expires on November 30, 1955.

Pueblo Goodwill Industries, 130 South Union, Pueblo, Colo., at a rate of not less than 50 cents per hour for a training period of 80 hours and 60 cents per hour thereafter. Certificate is effective January 1, 1955, and expires on December 31, 1955.

Nebraska Goodwill Industries, 1013 North Sixteenth Street, Omaha 2, Nebr., at a rate of not less than 10 cents per hour for a training period of 80 hours and 50 cents per hour thereafter in the entire shop; 10 cents per hour for a training period of 120 hours and 25 cents per hour thereafter in the Contract Divisions. Certificate is effective November 1, 1954, and expires on October 31, 1955.

Goodwill Industries of Greater Kansas City, 1817 Campbell Street, Kansas City 8, Mo., at a rate of not less than 10 cents per hour for a training period of 80 hours and 50 cents thereafter in the entire shop a rate of 10 cents per hour for a training period of 160 hours and 50 cents thereafter in the Contract Divisions. Certificate is effective December 1, 1954, and expires on November 30, 1955.

Assembly Department, Kansas City Association for the Blind, 1844 Broadway, Kansas City 8, Mo., at a rate of not less than 40 cents per hour. Certificate is effective December 1, 1954, and expires on November 30, 1955.

Broom Factory, Kansas City Association for the Blind, 1844 Broadway Kansas City 8, Mo., at a rate of not less than 50 cents per hour certificate is effective December 1, 1954, and expires on November 30, 1955.

Greater Tulsa Goodwill Industries, 24 North Main Street, Tulsa, Okla., at a rate of not less than 40 cents per hour for a training period of 160 hours and 50 cents per hour thereafter. Certificate is effective November 22, 1954, and expires on October 31, 1955.

Goodwill Industries of El Paso, Incorporated, 218 West San Antonio, El Paso, Tex., at a rate of not less than 50 cents per hour. Certificate is effective January 1, 1955, and expires on December 31, 1955.

Goodwill Industry and Gospel Mission, 13 West Salem Avenue, Roanoke 11, Va., at a rate of 50 cents per hour. Certificate is effective January 1, 1955, and expires on December 31, 1955.

Norfolk Goodwill Industries, 316 Bank Street, Norfolk, Va., at a rate of 55 cents per hour. Certificate is effective December 1, 1954, and expires on November 30, 1955.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REG-ISTER.

Signed at Washington, D. C., this 3d day of January 1955.

JACOB I. BELLOW Assistant Chief of Field Operations.

[F R. Doc. 55-365; Filed, Jan. 14, 1955; 8:46 a. m.]

# **CIVIL AERONAUTICS BOARD**

[Docket No. 6753]

AEROVIAS VENEZOLANAS, S. A., MAIQUETIA-MARACAIBO-MIAMI-NEW ORLEANS SERV-

NOTICE OF ORAL ARGUMENT

In the matter of the application of Aerovias Venezolanas, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing service, (a) between the coterminal points Maiguetia and Maracaibo, Venezuela, and the terminal point Miami, Fla., via the inter-mediate points the Netherlands West Indies, and Jamaica, British West Indies, and (b) between the coterminal points Maiquetia and Maracaibo, Venezuela, and the terminal point New Orleans, La., via the intermediate point Jamaica, British West Indies.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 20, 1955, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 12, 1955.

Francis W Brown, [SEAL] Chief Examiner

8:49 a. m.]

**NOTICES** [Docket No. 6635]

WEST COAST AIRLINES, INC., RENEWAL CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the application of West Coast Airlines, Inc., for renewal on a permanent or further temporary basis of its certificate of public convenience and necessity for route No. 77.

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for January 21 is postponed to February 10, 1955, 10:00 a. m., e. s. t., Room 1018, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., January 11, 1955.

[SEAL]

FRANCIS W BROWN. Chief Examiner

[F R. Doc. 55-387; Filed, Jan. 14, 1955; 8:49 a. m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1665]

CAMPBELL SOUP CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of January 1955.

The Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, \$1.80 Par Value, of Campbell Soup Company a security listed and registered on the New York and Philadelphia-Baltimore Stock Exchanges. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 27, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the 'Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

ORVAL L. DUBOIS, [SEAL] Secretary.

R. Doc. 55-386; Filed, Jan. 14, 1955; [F R. Doc. 55-368; Filed, Jan. 14, 1955; 8:46 a. m.]

[File No. 50-44]

CITIES SERVICE CO.

ORDER GRANTING EXEMPTION FROM RULES REGARDING DISSOLUTION OF GAS ADVISERS,

JANUARY 10, 1955.

Cities Service Company ("Cities") a registered holding company has filed an application pursuant to Rule U-100 (a) of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

Gas Advisers, Inc. ("Advisers") is a mutual service company in the Cities' holding company system. When Advisers was formed as a mutual service company it was serving nine gas utility companies in the Cities system. All of such companies except Dominion Natural Gas Company Limited ("Dominion") a Canadian company have been disposed of. Dominion owns all of the outstanding securities of Advisers, consisting of 65 shares of capital stock, par value \$100 per share.

In view of the limited nature of the operations of Advisers at the present time, Cities deems it appropriate to terminate the activities of Advisers and proposes that, upon securing the approval of this Commission, Advisers be dissolved.

It appearing to the Commission that the dissolution of Advisers is, or may be, subject to the provisions of Rules U-42 and U-43; it also appearing that the dissolution of Advisers will not be detrimental to the public interest or the interests of investors and consumers; and the Commission finding that it is not necessary or appropriate in the public interest or the interests of investors or consumers that the dissolution of Advisers be subject to the requirements of Rules U-42 and U-43:

It is ordered, Pursuant to the provisions of Rule U-100 (a) that the dissolution of Advisers be, and the same hereby is, exempted from the provisions of Rules U-42 and U-43.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F R. Doc. 55-367; Filed, Jan. 14, 1955; 8:46 a. m.]

[File No. 70-3332] -

CONSOLIDATED NATURAL GAS CO. AND PEOPLES NATURAL GAS CO.

NOTICE OF FILING REGARDING PROPOSED SALE OF UTILITY ASSETS

JANUARY 10, 1955.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated") a registered holding company and one of its gas utility subsidiaries, the Peoples Natural Gas Company ("Peoples") have filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 12 (d) and 12 (f) of the act and Rules U-43 and U-44 thereunder as applicable to the proposed transactions which are summarized as follows:

Peoples owns and proposes to transfer a so-called Jeanette Compressor Station and appurtenant facilities which are a part of the Oakford Storage Pool in Westmoreland County, Pennsylvania, to New York State Natural Gas Corporation ("New York Natural") an affiliated non-utility company and Texas Eastern Transmission Corporation ("Texas Eastern") an unaffiliated non-utility company which latter two companies will own the compressor station as tenants in common on an equal undivided basis.

Declarants represent that the original cost of the compressor station, constructed by Peoples in 1953, amounts to \$444,624.07 and the price to be paid therefor will be the net book cost of the station as shown on the books of Peoples which at December 31, 1954, was \$433,744.

According to the filing, Peoples has the right to produce and take a reserved amount of gas from the Oakford Storage Pool. Peoples constructed the compressor station for the purpose of accelerating the production of said gas and it is estimated that said reserved amount has been or will soon be completely taken.

Peoples also derives a substantial portion of its gas supply from the unreserved portion of the Oakford Storage Pool which is owned and operated by New York Natural and Texas Eastern and these companies have informed Peoples that the operation of the Pool requires the use of additional compressor station facilities which can be provided by the purchase and enlargement of the Jeanette Compressor Station.

It is represented that the Pennsylvania Public Utility Commission has jurisdiction over the sale of the compressor station by Peoples and has approved the sale thereof. It is also stated that the Federal Power Commission has jurisdiction over the acquisition and operation of the compressor station by New York Natural and Texas Eastern and has granted to the two companies a Certificate of Public Convenience and Necessity authorizing the acquisition and operation of the compressor station.

Declarants further state that there will be no fees, commissions or expenses in connection with the proposed transactions except applicable stamp taxes estimated at \$4,815 which are to be paid by the purchasers.

Declarants request that the Commission issue an order herein on or before January 26, 1955, and that the order become effective forthwith upon issuance.

Notice is further given that any interested person may not later than January 25, 1955, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed. Secretary, Securities and Exchange Commission, Washington 25, D. C. At

any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F R. Doc. 55-366; Filed, Jan. 14, 1955; 8:46 a. m.]

# INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30114]

PAPER BAGS FROM SAVANNAH AND PORT WENTWORTH, GA., TO ADA, OKLA,

#### APPLICATION FOR RELIEF

JANUARY 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.
Commodities involved: Paper bags, carloads.

From. Savannah and Port Wentworth, Ga.

To: Ada, Okla.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 4134, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-370; Filed, Jan. 14, 1955; 8:47 a. m.]

[4th Sec. Application 30115]

IRON AND STEEL BETWEEN POINTS IN ALABAMA AND GEORGIA

APPLICATION FOR RELIEF

JANUARY 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul

provision of section 4 (1) of the Interstate Commerce Act.

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Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below Commodities involved: Iron and steel articles, carloads

Between: Alabama City, Attalla and Gadsden, Ala., on the one hand, and Rome, Ga., on the other, and from Rome to Alabama City Attalla and Gadsden, Ala.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1258, supp. 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-371; Filed, Jan. 14, 1955; 8:47 a. m.]

[4th-Sec. Application 30116]

LIQUEFIED PETROLEUM GAS FROM MAN-DAN, N. DAK., TO MINNESOTA AND SOUTH DAKOTA

# APPLICATION FOR RELIEF

JANUARY 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Northern Pacific Railway Company for itself and on behalf of other carriers parties to its tariff I. C. C. No. 9897.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From. Mandan, N. Dak.

To: Points in Minnesota and South Dakota.

Grounds for relief Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: Northern Pacific Railway Company I. C. C. 9897, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than

applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-372; Filed, Jan. 14, 1955; 8:47 a. m.]

[4th Sec. Application 30117]

LUMBER FROM EL PASO, TEX., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JANUARY 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Texas and New Orleans Railroad Company for itself and on behalf of the Illinois Central Railroad Company.

Commodities involved: Lumber and related articles, carloads.

From. El Paso, Texas. To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: Texas and New Orleans Railroad Company I. C. C. No. 795, supp. 2.

Any interested person desiring the

Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD. Secretary.

[F R. Doc. 55-373; Filed, Jan. 14, 1955; 8:47 a. m.]

**NOTICES** 

[4th Sec. Application 30118]

VARIOUS COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

JANUARY 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by J. F Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Various commodities, carloads and less-than-carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity to meet intrastate rates, to apply rates constructed on the basis of the short line distance formula, and additional commodities.

Schedules filed containing proposed rates: J. F Brown, Agent, I. C. C. 807, Supp. 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-374; Filed, Jan. 14, 1955; 8:47 a. m.1

# **DEPARTMENT OF JUSTICE**

### Office of Alien Property

IDA SWETLOWITZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended. notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ida Swetlowitz, Executrix of the Estate of Bessie Greenberg, deceased, New York, N. Y., and Louis Moldawsky, Detroit, Mich., Claim No. 4206; Isaac Moldavi, Haifa, Israel, Claim No. 3986; Vesting Order No. 4127; to each claimant one-third of the

following property \$555.75 in the Treasury of the United States; an undivided two-thirds interest in the following securities presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York:

\$3,500 U. S. Treasury bonds, 21/2 Percent, due 1970 Nos. 105794/6 for \$1,000 each and No. 49475 for \$500.

\$400 U. S. Treasury bonds 2½ Percent due 1972 Nos. 88986, 105162 and 106707/8 for \$100 each.

Executed at Washington, D. C., on January 11, 1955.

For the Attorney General.

[SEAL]

Paul V Myron, Deputy Director Office of Alien Property.

[F R. Doc. 55-378; Filed, Jan. 14, 1955; 8:48 a. m.]

#### JACQUES HIPPOLYTE COUELLE

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby-given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

#### Claimant, Claim No., and Property

Jacques Hippolyte Couelle, Paris, France, Claim No. 41683; property described in Vesting Order No. 1028 (8 F R. 4205, April 2, 1943) relating to United States Patent Application Serial No. 432,393 (now United States Letters Patent No. 2,413,690).

Executed at Washington, D. C., on January 11, 1955.

For the Attorney General.

[SEAL]

PAUL V MYRON, Deputy Director Office of Alien Property.

[F R. Doc. 55-379; Filed, Jan. 14, 1955; 8:48 a. m.]

#### Dr. Alberto Quentin

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

# Claimant, Claim No., and Property

Dr. Alberto Quentin, Florence, Italy, Claim No. 40934; property described in Vesting Order No. 201 (8 F R. 625, January 16, 1943) relating to United States Letters Patent No. 2,137,061 and property described in Vesting Order No. 94 (7 F R. 6693, August 25, 1942) relating to Patent Application Serial No. 287,028 (now United States Letters Patent No. 2,297,246) and Patent Application Serial No. 314,727 (now United States Letters Patent No. 2,375,944) subject, however, to a royalty-free non-exclusive license agreement

dated March 16, 1944 (License No. 604) by and between the Alien Property Custodian and Libbey Owens Ford Glass Company, Toledo, Ohio, relating to each of the above patents and to a royalty-free non-exclusive license agreement dated December 30, 1943 (License No. 448) by and between the Alien Property Custodian and Gillinder Brothers, Inc., Port Jervis, New York, relating to Patent No. 2,375,944.

Executed at Washington, D. C., on January 11, 1955.

For the Attorney General.

[SEAL]

PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 55-380; Filed, Jan. 14, 1955; 8:48 a. m.]